

Equalities, Human Rights and Civil Justice Committee
Tuesday 4 November 2025
24th Meeting, 2025 (Session 6)

Note by the Clerk on affirmative instruments

Overview

1. At this meeting, the Committee will take evidence from the Minister for Victims and Community Safety and officials on the following draft Scottish Statutory Instruments (SSIs), before debating motions in the name of the Minister for Victims and Community Safety inviting the Committee to recommend approval of the instruments.
2. More information about each instrument is summarised in the Annexes to this paper:
 - Annexe A: Regulation of Care (Child Contact Services) (Scotland) Order 2025 [draft]
 - Annexe B: Regulation of Care (Child Contact Services) (Equality) (Scotland) Regulations 2025 [draft]

Procedure

3. Under the affirmative procedure, an instrument must be laid in draft and cannot be made (or come into force) unless it is approved by resolution of the Parliament.
4. Once laid, the instrument is referred to:
 - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
 - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. The lead committee, taking account of any recommendations made by the DPLR Committee (or any other committee), must report within 40 days of the instrument being laid.
6. The normal practice is to have two agenda items when an affirmative instrument is considered by the lead committee:
 - an evidence session with the Minister and officials, followed by
 - a formal debate on a motion, lodged by the Minister, inviting the lead committee to recommend approval of the instrument.

7. Where a single debate is held on two or more instruments, they are moved at the beginning of the debate, debated together, and separate questions are then put at the end of the debate.
8. Only MSPs may participate in the debate, which may not last for more than 90 minutes. If there is a division on one of the motions, only committee members may vote. If the motions are agreed to, it is for the Chamber to decide, at a later date, whether to approve the instruments.

Impact assessments

9. The following impact assessments were laid alongside both instruments:
 - [Child's Rights and Wellbeing Impact assessment](#) (CRWIA): identified that there is a positive impact in relation to children's rights
 - [Equality Impact Assessment](#) (EQIA): identified positive or no impacts on each of the protected characteristics
 - [Data Protection Impact Assessment](#) (DPIA): assessed compliance with the requirements of the UK GDPR and Data Protection Act 2018
 - [Island Communities Impact Assessment](#) (ICIA): identified that there was no significantly different impact on island communities as compared with other communities in relation to the instruments
 - [Fairer Scotland Duty Assessment](#) (FSDA): identified that families who experience inequalities of outcome caused by socio-economic disadvantage may be impacted by the wider regulation of child contact services.

Report

10. The Committee is invited to consider any issues which it wishes to raise on the instruments and to delegate to the Convener responsibility for finalising a report for publication that the Clerks will prepare on the basis of today's meeting.

Clerks to the Committee
October 2025

Annexe A: Regulation of Care (Child Contact Services) (Scotland) Order 2025 [draft]

Laid under: [Public Services Reform \(Scotland\) Act 2010](#)

Laid on: 23 September 2025

Procedure: Affirmative

Lead committee to report by: 17 November 2025

Commencement: If approved, the instrument comes into force on 1 April 2027

Delegated Powers and Law Reform Committee consideration

The DPLR Committee considered the instrument on 30 September 2025 and reported on it in its [68th Report, 2025](#). The DPLR Committee made no recommendations in relation to the instrument.

Purpose of the instrument

This instrument is to be made under the powers in [section 49\(a\)](#) and [104\(1\)](#) of the Public Services Reform (Scotland) Act 2010 (“2010 Act”).

The main purpose of this instrument is to extend the Care Inspectorate’s (statutory name being the Social Care and Social Work Improvement Scotland) regulatory framework to include child contact services. It does so by amending the 2010 Act to add child contact services to the list of care services regulated under that Act.

The instrument makes transitional provision for child contact services already operating when this Order comes into force on 1 April 2027. In practice, this will mean that those services will be temporarily deemed to have been registered by the Care Inspectorate at that time. They will then have a grace period between 1 April - 30 September 2027 to make an application for registration. If no application is made during those six months, the deeming will end, and the service will no longer be registered at the end of that period. Finally, for services deemed to be registered during the transitional period, the instrument disapplies certain provisions containing technical rules (in the 2010 Act and elsewhere) which would normally apply to services having gone through the registration process.

The instrument is subject to the affirmative procedure and, if approved by the Parliament, comes into force:

- a. For the purposes of making related subordinate legislation (such as the Regulation of Care (Child Contact Services) (Equality) (Scotland) Regulations 2025), as soon as it is made,
- b. For the purpose of allowing the Care Inspectorate to do anything it considers necessary or expedient to give full effect to the Order, on the day after it is made, and

- c. For the full implementation of the Order, on 1 April 2027.

The Policy Note accompanying this instrument states that a key policy objective is to have an independent body to regulate child contact services to ensure services are provided to a consistently high standard, and in the best interests of the child. It is further explained that whilst child contact services could also be regulated under section 10 of the Children (Scotland) Act 2020, the Scottish Government has decided to apply the existing framework under the 2010 Act, rather than prescribe a separate set of minimum standards, and that the Care Inspectorate will be best placed to provide oversight of child contact services as it is an experienced scrutiny and assurance body that already regulates a range of services related to children and young people. The Policy Note indicates that the Scottish Government reached agreement with the Care Inspectorate in 2022 to take on the role of independent regulator of child contact services.

The Policy Note states that a bespoke Quality Improvement Framework will be designed by the Care Inspectorate in consultation with the sector and other stakeholders and that provision has been made for an 18-month lead-in-period to give the sector time to prepare and plan.

Under section 49 of the 2010 Act, the Scottish Ministers must consult such persons (or groups of persons) as they consider appropriate before making an order to change the definition of any social service. The preamble and the Policy Note indicate that this statutory consultation requirement has been complied with.

Scottish Government Policy Note

The above instrument was made in exercise of the powers conferred by sections 49(a) and 104(1) of the Public Services Reform (Scotland) Act 2010 (“the 2010 Act”). The instrument is subject to affirmative procedure.

In accordance with section 49 of the 2010 Act they have consulted with such persons (or groups of persons) as they consider appropriate.

Summary

The purpose of the instrument is to extend the Care Inspectorate’s regulatory framework to child contact services by adding “child contact services” to the list of care services that are regulated under the Public Services Reform (Scotland) Act 2010. There is currently no external regulation of child contact services in Scotland.

The Care Inspectorate is an established scrutiny and assurance body which regulates a range of care services in Scotland, ensuring services meets high standards and supporting improvement when needed.

The instrument sets out transitional arrangements for child contact services already operating when the order comes into force.

Policy objectives

Child contact services are generally used in private family law cases where separated parents are in dispute or can't reach agreement around contact arrangements for their child. Referrals to child contact services are made by the courts or solicitors in contact and residence cases, by separated parents themselves and (to a lesser extent) from other agencies, such as social work and GPs.

Child contact services have an important role in helping children maintain relationships with a parent (or other adult) they don't live with by providing supervision or support in a child-friendly environment. These services may be the only way a child can safely have contact with one of their parents.

Concerns had been raised at the lack of external regulation of these services, noting the need to ensure the rights, safety and welfare of children is paramount in relation to contact arrangements, and that a consistent quality of service is provided across the sector.

The overall policy aim for regulating child contact services is to ensure child contact services are safe, conflict-free, child-friendly places for a child to spend time with a parent they don't live with. A key policy objective is to have an independent body to regulate the sector to ensure services are provided to a consistently high standard, and in the best interests of the child.

There are currently 45 child contact centres in Scotland. 41 are operated by members of the Relationships Scotland network. In addition, there are three independent services operating four centres in Glasgow, Paisley, Greenock and Ayr. Whilst existing child contact providers do have their own policies and practices in place, there is no external oversight or consistency of approach.

The Scottish Government considers that the Care Inspectorate will be best placed to provide oversight of child contact services and help us achieve our policy aims for regulation and the best outcomes for children using their services. The Care Inspectorate are an experienced scrutiny and assurance body that already regulates a range of services related to children and young people. There is also a well-established regulatory regime under the Public Services Reform (Scotland) Act 2010.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Regulation of Care (Child Contact Services) (Scotland) Order 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU alignment consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

In 2018, the Scottish Government consulted on Review of Part 1 of the Children (Scotland) Act 1995, which informed the Children (Scotland) Bill (now the Children (Scotland) Act 2020) and sought views on whether child contact centres should be regulated (question 6). A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website¹. There was broad support in the responses for child contact centres being regulated².

Following the consultation the Scottish Government commissioned the Care Inspectorate to carry out a feasibility study on the regulation of child contact services. The Care Inspectorate published a Feasibility Study Report³ in March 2020. The report set out recommendations, the first being that, based on the benefits and risks outlined in the report, child contact centres should be regulated.

Provisions relating to the regulation of child contact services were included the Children (Scotland) Bill (now section 10 of the Children (Scotland) Act 2020), including the power to appoint an independent body to oversee regulation.

In 2021, there was a further Scottish Government consultation on implementation of child contact services regulation, including draft impact assessments. A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website⁴, it includes Scottish Women's Aid, Shared Parenting Scotland and Relationships Scotland.

The analysis of the consultation responses was also published⁵.

Although it was not confirmed at that time that the Care Inspectorate would take on the role of independent regulator, the consultation did set out that the Care Inspectorate were our preferred option and it made reference to the feasibility report. There was no specific question on the appointment of the Care Inspectorate, but respondents were asked at the end of the consultation for any views on the

¹ <https://consult.gov.scot/family-law/children-scotland-act/#:~:text=Overview,the%20child%27s%20welfare%20requires%20it.>

² <https://www.gov.scot/publications/analysis-consultation-responses-consultation-review-children-scotland-act-1995/>

³ <https://www.careinspectorate.com/images/documents/5580/Care%20Inspectorate%20report%20on%20feasibility%20study%20of%20regulation%20of%20child%20contact%20centres.pdf>

⁴ <https://consult.gov.scot/justice/regulation-of-child-contact-centre-services/>

⁵ <https://www.gov.scot/publications/regulation-child-contact-centre-services-consultation-analysis/pages/2/>

proposals generally. No concerns were raised in relation to the Care Inspectorate taking on the regulatory role.

In 2022 the Scottish Government reached agreement with the Care Inspectorate that it would take on the role of independent regulator of child contact services. The Care Inspectorate already regulate a range of care services, including services related to children and young people.

In agreement with the Care Inspectorate, the Scottish Government decided to use the powers in the Public Services Reform (Scotland) Act 2010 to apply the existing regulatory regime to child contact services, rather than prescribe a separate set of minimum standards under the Children (Scotland) Act 2020, as had been envisaged when we consulted in 2021.

To comply with the requirements of section 49 of the Public Services Reform (Scotland) Act 2010 the following bodies have been consulted:

- Abused Men in Scotland
- Children and Young People's Commissioner Scotland
- Children First
- CLAN Childlaw
- Equalities and Human Rights Commission
- Faculty of Advocates
- Family Law Association
- Grandparents Apart UK
- Inverclyde Family Contact Centre
- Law Society of Scotland
- Oshay's Child Contact Centre
- Promoting Positive Contact
- Relationships Scotland
- Scottish Child Law Centre
- Scottish Courts and Tribunals Service
- Scottish Legal Aid Board
- Scottish Public Services Ombudsman
- Scottish Social Services Council
- Scottish Women's Aid
- Scottish Women's Rights Centre
- Shared Parenting Scotland
- Social Work Scotland

The Scottish Government has also had regular meetings with stakeholders throughout this process, such as Relationships Scotland, Scottish Women's Aid, Shared Parenting Scotland, Children First, Promoting Positive Contact, and other stakeholders in the wider sector.

The Scottish Government has also heard from individuals with experience of using child contact services, to learn first-hand about some of the issues, as well as examples of good practice.

The Minister for Victims and Community Safety, Siobhian Brown MSP, has met with a number of stakeholders, MSPs and individuals, as well as visiting child contact centres in Dundee and Glasgow, where she spoke with staff and service users.

The bespoke Quality Improvement Framework will be designed by the Care Inspectorate in consultation with the sector and other stakeholders.

The Scottish Government will keep under review the decision to regulate child contact services using the powers in the Part 5 of the Public Services Reform (Scotland) 2010 rather than the powers in section 10 of the Children (Scotland) Act 2020.

Financial effects

A [Business and Regulatory Impact Assessment \(BRIA\)](#) has been completed. The main impacts will be on child contact services. Regulation is intended to be proportionate, and we have made provision for an 18 month lead-in period to give the sector time to prepare and plan. We will consider what support child contact providers may require in the lead up to the Order coming fully into force on 1 April 2027.

There will be additional costs to the Care Inspectorate in taking on this additional regulatory role, including to recruit and train new staff. These costs were estimated in the Financial Memorandum that accompanied the Children (Scotland) Bill and we expect the costs now to be at a similar level, allowing for inflationary increases. The Scottish Government will provide additional funding to the Care Inspectorate to cover the additional costs.

The Scottish Government notes that it does not anticipate a measurable impact for businesses more widely. It suggests that any impact on the courts, the legal profession, the Equality and Human Rights Commission or the Scottish Public Services Ombudsman will be minimal given the modest size of the child contact sector.

Annexe B: Regulation of Care (Child Contact Services) (Equality) (Scotland) Regulations 2025 [draft]

Laid under: [Public Services Reform \(Scotland\) Act 2010](#)

Laid on: 23 September 2025

Procedure: Affirmative

Lead committee to report by: 17 November 2025

Commencement: If approved, the instrument comes into force on 1 April 2027.

Delegated Powers and Law Reform Committee consideration

The DPLR Committee considered the instrument on 30 September 2025 and reported on it in its [68th Report, 2025](#). The DPLR Committee made no recommendations in relation to the instrument.

Purpose of the instrument

This instrument is made under the powers in sections [78\(1\)](#) and [104\(1\)](#) of the Public Services Reform (Scotland) Act 2010.

It is the second of two instruments before the Committee today which are connected with the move to regulate child contact services in Scotland.

The purpose of the instrument is to introduce a new function on Social Care and Social Work Improvement Scotland (“SCSWIS”), commonly referred to as the Care Inspectorate, in relation to the regulation of child contact services. The new function will require the SCSWIC to notify the Equalities and Human Rights Commission (“EHRC”) of any failure by a child contact service provider to comply with its duties under the Equality Act 2010, in particular its duty to make reasonable adjustments for disabled people.

The Policy Note states that child contact services have an important role in helping children to have a relationship with a parent (or other adult) they do not live with by providing supervision or support in a child-friendly environment. In addition, it states that these services may be the only way a child can safely have contact with one of their parents.

The Policy Note also states that the policy objective relating to the additional function of notifying the EHRC of any failure by a child contact service provider to comply with its duties under the Equality Act 2010 is to help ensure that all children, including disabled children, can access child contact services and that contact is facilitated appropriately.

There is a statutory requirement for consultation for this instrument. The Policy Note states that a consultation regarding the child contact services was carried out in

2021, which asked for views on whether the proposed provision in relation to ensuring observance with Equality Act 2010 duties was adequate. It also provides that although it was not confirmed at the time of the consultation that the SCSWIC would take on the role of independent regulator, or that the function relating to observance with the Equality Act duties would involve a notification to the Equalities and Human Rights Commission, the consultation did set out that the Care Inspectorate were the preferred option.

Scottish Government Policy Note

The above instrument was made in exercise of the powers conferred by sections 78(1) and 104(1) of the Public Services Reform (Scotland) Act 2010 (“the 2010 Act”). The instrument is subject to affirmative procedure.

In accordance with section 49 of the 2010 Act they have consulted with such persons (or groups of persons) as they consider appropriate.

Summary

This instrument will confer an additional function on the Care Inspectorate in relation to the regulation of child contact services, requiring the Care Inspectorate to notify the Equalities and Human Rights Commission of any failure, or possible failure, by a child contact service provider to comply with its duties under the Equality Act 2010, in particular the duty to make reasonable adjustments for disabled people.

This instrument is linked to the Regulation of Care (Child Contact Services) (Scotland) Order 2025, which will add child contact services to the list of care services that the Care Inspectorate regulates under the Public Services Reform (Scotland) Act 2010.

The purpose of the instrument is to help ensure child contact services are meeting their duties under the Equality Act 2010 in relation to service users without placing any additional duties upon the providers of those services.

Policy objectives

Child contact services are generally used in private family law cases where separated parents are in dispute or can’t reach agreement around contact arrangements for their child. Referrals to child contact services are made by the courts or solicitors in contact and residence cases, by separated parents themselves and (to a lesser extent) from other agencies, such as social work and GPs.

Child contact services have an important role in helping children maintain relationships with a parent (or other adult) they don’t live with by providing supervision or support in a child-friendly environment. These services may be the only way a child can safely have contact with one of their parents.

Concerns had been raised at the lack of external regulation of these services, noting the need to ensure the rights, safety and welfare of children is paramount in relation to contact arrangements, including for disabled children who need to access these services. and that a consistent quality of service is provided across the sector.

The key policy objective for regulating child contact services is to have an independent body in place to ensure services are provided to a consistently high standard, and in the best interests of all children.

The policy objective relating to the additional function of notifying the Equalities and Human Rights Commission of any failure by a child contact service provider to comply with its duties under the Equality Act 2010 is to help ensure that all children, including disabled children, can access to child contact services and that contact is facilitated appropriately.

The intention is to encourage observance of the duties set out in the Equality Act 2010 and for this notification function to complement the existing enforcement mechanisms available through the Equalities and Human Rights Commission, as the appropriate enforcement body.

This recognises that child contact services are already under a duty to make reasonable adjustments for disabled people to access their facilities under the public sector equality duty in the Equality Act 2010. It is also noted, that under the existing duty, an organisation is not required to do more than it is reasonable for it to do, and this will depend on, among other things, its size and nature, and the nature of the facilities or services it provides, or the public functions it carries out.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Regulation of Care (Child Contact Services) (Equality) Regulations 2025 are compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU alignment consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

Provisions relating to the regulation of child contact services were included the Children (Scotland) Bill (now section 10 of the Children (Scotland) Act 2020), including the power to appoint an independent body to oversee regulation.

During the passage of the Bill representations were made around the need to ensure child contact services are accessible for disabled children, and that contact is facilitated safely and appropriately. Provision was included in the Bill to confer a function on the body appointed to oversee regulation in relation to reasonable adjustments under the Equality Act 2010.

In 2021, there was a further Scottish Government consultation on implementation of child contact services regulation. A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website⁶.

The consultation asked for views on whether the proposed provision in relation to ensuring observance with the Equality Act 2010 duties was adequate. 27% of respondents answered yes, 12% answered no, and 20% did not respond. The analysis of the consultation responses was also published⁷. A general theme from the analysis is that disabled people have the right to be treated in the same way as non-disabled people, and that ensuring disabled children have access to these services is essential.

Although it was not confirmed at that time that the Care Inspectorate would take on the role of independent regulator, or that the function relating to observance with the Equality Act duties would involve a notification to the Equalities and Human Rights Commission, the consultation did set out that the Care Inspectorate were our preferred option and it made reference to the feasibility report.

In addition to seeking views on the proposals for regulation at that time, the consultation also sought views on a suite of draft impact assessments, including a draft Equality Impact Assessment (EQIA). Paragraphs 169 and 171 of the consultation analysis summarise responses on the EQIA. There were no specific comments in relation to the proposed function in relation to making reasonable adjustments under the Equality Act 2010.

In 2022 the Scottish Government reached agreement with the Care Inspectorate that they would take on the role of independent regulator of child contact services. The Care Inspectorate already regulate a range of care services, including services related to children and young people.

In agreement with the Care Inspectorate, the Scottish Government decided to use the powers in the Public Services Reform (Scotland) Act 2010 to apply the existing regulatory regime to child contact services, rather than prescribe a separate set of minimum standards under the Children (Scotland) Act 2020, as had been envisaged when we consulted in 2021.

However, in the Regulations the Scottish Government is conferring the additional function on the Care Inspectorate of notifying the Equalities and Human Rights Commission of any failure by a child contact provider to comply with their duties under the Equality Act 2010, in particular the duty to make reasonable adjustments for disabled people. This is based on the provision in section 10 of the Children (Scotland) Act 2020 with the addition of the provision to notify the EHRC. This change was made in discussion with the Care Inspectorate around the appropriate enforcement responsibilities of their respective organisations.

⁶ <https://consult.gov.scot/justice/regulation-of-child-contact-centre-services/>

⁷ <https://www.gov.scot/publications/regulation-child-contact-centre-services-consultation-analysis/pages/2/>

To comply with the requirements of section 49 of the Public Services Reform (Scotland) Act 2010 the following bodies have been consulted:

- Abused Men in Scotland
- Children and Young People's Commissioner Scotland
- Children First
- CLAN Childlaw
- Equalities and Human Rights Commission
- Faculty of Advocates
- Family Law Association
- Grandparents Apart UK
- Inverclyde Family Contact Centre
- Law Society of Scotland
- Oshay's Child Contact Centre
- Promoting Positive Contact
- Relationships Scotland
- Scottish Child Law Centre
- Scottish Courts and Tribunals Service
- Scottish Legal Aid Board
- Scottish Public Services Ombudsman
- Scottish Social Services Council
- Scottish Women's Aid
- Scottish Women's Rights Centre
- Shared Parenting Scotland
- Social Work Scotland

Financial effects

A [Business and Regulatory Impact Assessment](#) (BRIA) has been completed. The main impacts of regulation generally will be on child contact services. Regulation is intended to be proportionate and we have made provision for an 18 month lead-in period to give the sector time to prepare and plan. We will consider what support child contact providers may require in the lead up to the regulation coming into force on 1 April 2027.

In terms of the additional function being conferred on the Care Inspectorate in relation to Equality Act duties, we consider any additional costs for the Care Inspectorate will be minimal.

There could be additional costs to the Equalities and Human Rights Commission if enforcement action is necessary following a notification from the Care Inspectorate that a child contact service may have failed to comply with their Equality Act duties. However, the Scottish Government expects this to be minimal given the size of the sector and suggests that such matters may come to the EHRC's attention through another route in any event.