



Convenor and members of the Education, Children and Young People  
Committee, The Scottish Parliament

26 February 2026

Dear Convenor,

**Children (Care, Care Experience and Services Planning) (Scotland)  
Bill: Stage 3**

I am writing to you to provide further information ahead of the consideration at Stage 3 of the Children (Care, Care Experience and Services Planning) (Scotland) Bill. We welcome the intention of the Bill and the commitment to improving the lives of children and young people with experience of care. However, we are writing to note our concerns regarding some of the amendments agreed upon at stage 2 of the Bill. These amendments have happened at pace, have significantly changed the Bill provisions and may have unintended consequences. We are offering a summary of our key concerns below.

**Amendments relating to Continuing Care**

We welcome section 2D to extend Continuing Care to age 25, as opposed to age 21. This aligns with the aspiration of the Promise of the Independent Care Review that: "Young people must be encouraged to 'stay put' in their setting of care for as long as they need to" (Independent Care Review, 2020, p. 92). However, this is a discretionary power and therefore may lead to an inequity of provision across Scotland. This extension will also only be successful if there are sufficient foster carers able and willing to provide this support, and increased provision of residential child care capacity. Attending to these issues in the Financial Memorandum will be vital to ensure that this well-intentioned extension to Continuing Care will be realised for the young people it aims to support.

Sharing the sentiments of Social Work Scotland and the Scottish Association of Social Work, we fully acknowledge the positive intentions that have shaped the amendments that have been discussed and agreed at Stage 2, which are rooted in principles we fully support. Nonetheless, we have significant concerns regarding the new definition of "Continuing Care" created by amendment number 133 and would urge this to be reviewed at Stage 3. Currently, Continuing Care means "the same accommodation and other assistance as was being provided...immediately before the person ceased to be looked after" (section 26A (4) of the Children (Scotland) Act 1995). This also aligns with the aspiration of the Promise of the Independent Care Review and is supported by a

recommendation from CELCIS research that: "All agencies, stakeholders, individual staff members, and carers, work to articulate and prioritise continuing care as the 'default' provision for all young people" (Lough Dennell et al., 2022, p. 43).

However, section 2C changes this definition to be *either* "the same accommodation and other assistance [etc.]" *or* "such alternative accommodation and assistance as has been assessed by the authority to be the most appropriate to meet the welfare needs of the person".

That fundamentally changes the meaning of "Continuing Care", undermining the policy aspiration that children and young people can 'stay put' where they are within supportive, caring relationships until adulthood. Under the new definition, this removes a right from young people and places the provision of what is currently understood as Continuing Care at the discretion of a local authority.

### Supporting implementation

We support [the letter](#) written by Social Work Scotland and the Scottish Association of Social Work to the Committee which states that: "Proposals should proceed only where there is clear evidence of benefit, realistic deliverability, transparent and robust costings, alignment with ongoing reforms, and confidence that they will not disrupt progress already underway" (Farrugia and Shears, 2026, p. 2). These considerations, together with fundamental implementation implications, will need to be attended to for the Bill to be successful, for children and young people's rights to be upheld and their needs met. These factors include:

- Ensuring that children and young people can access the right support, at the right time, regardless of where they live.
- Workforce planning to address recruitment and retention issues across the relevant workforces.
- Engagement to develop clear guidance and training, in addition to ongoing coaching and support for the workforces who would deliver these changes.
- Measures that support collaborative multi-agency working across these workforces (Ottaway et al., 2023).
- Financial modelling to ensure that there would be funding available to invest in services and workforces to support these measures.
- Improved data collection and analysis to understand the experiences and needs of children, young people and families, as well as those who care for them, and inform delivery of support.
- Resources dedicated to implementation support which are made available across local areas.



## Financial and workforce modelling

The amendments at Stage 2 made significant changes to the Bill and will require corresponding significant resource to ensure that the aspirations behind the amendments are implemented for the children and young people it aims to help. This is particularly important in a context of stretched resources, where it is crucial that the children and young people with the greatest need are fully supported. Services must be able to respond flexibly to those young people who require the most support at any given time.

We welcome the scrutiny of the revised Financial Memorandum that will take place alongside the Bill, as implementation considerations should be considered in their totality. It is important that the Committee does not view the financial considerations as separate to the passing of the Bill, but rather as vital to its successful implementation.

As outlined in our [response to the Finance and Public Administration Committee's Call for Views](#) (CEL CIS, 2025), the Bill's original Financial Memorandum was not sufficiently robust, nor did it include key financial costs necessary to support implementation of the Bill's provisions as set out at Stage 1. This has been exacerbated by significant amendments made at Stage 2.

The Committee will wish to assure itself that the Scottish Government makes adequate provision for the evidence-informed implementation of amendments, and that accurate financial and workforce modelling is able to support delivery. Skilled, well-resourced workforces are essential, as the quality of support directly affects children's rights and their ability to access the help they need. The Parliament will wish to be assured that new legislation and its implementation is able to underpin, guide and inform policy and improvement work to uphold The Promise.

We have offered here a summary of our key concerns. We would be open to further discussions ahead of Stage 3 of the Bill process if that would be useful for members of the Committee.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Claire Burns'.

Claire Burns, Director, CELCIS



## References

CEL CIS (2025) *CEL CIS's response to the Scottish Parliament's Finance and Public Administration Committee's Call for Views on the Children (Care, Care Experience and Services Planning) (Scotland) Bill: Financial Memorandum*. Glasgow: CEL CIS.

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Farrugia, B. and Shears, J. (2026) *Letter to Convenor and Members of Education, Children and Young People Committee, The Scottish Parliament*, 11 February. <https://socialworkscotland.org/wp-content/uploads/2026/02/Children-Care-Care-Experience-etc.-Bill-Letter-to-ECYP-Committee-11-February-2026-FINAL.pdf>

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Lough Dennell, B. L., McGhee, K. and Porter, R. (2022) *Continuing Care: An Exploration of Implementation*. Glasgow: CEL CIS. [https://www.celcis.org/application/files/5816/4751/7713/continuing\\_care\\_an\\_exploration\\_of\\_implementation.pdf](https://www.celcis.org/application/files/5816/4751/7713/continuing_care_an_exploration_of_implementation.pdf)

Ottaway, H., McTier, A., Manole, M., Anderson, M., Porter, R., Scott, J., Young, E., Fowler, N., Soraghan, J., McIver, L., Anderson, C. A. and Mackinnon, K. (2023) *Children's Services Reform Research: Learning and Implications for Scotland. Concluding Report*. Glasgow: CEL CIS. [https://www.celcis.org/application/files/6117/0245/9620/CSRR\\_Concluding\\_Report\\_-\\_CEL\\_CIS\\_-\\_13\\_December\\_2023.pdf](https://www.celcis.org/application/files/6117/0245/9620/CSRR_Concluding_Report_-_CEL_CIS_-_13_December_2023.pdf)