

BRIEFING FOR THE MINISTER FOR PARLIAMENTARY BUSINESS

What	<p>To attend the Equalities, Human Rights and Civil Justice Committee. The session is on the implications of delays in implementing provisions from the following three Acts of the Scottish Parliament:</p> <p>[Redacted – out of scope] [Redacted – out of scope] Children (Scotland) Act 2020.</p>
Where/when	<p>[Redacted – out of scope]</p>
Key message(s)	<p>SG takes implementation very seriously When considering implementation, we need to take account of operational issues for Justice agencies.</p> <p>The Children (Scotland) Act 2020 is wide ranging with a number of complex areas for implementation. Some provisions of the Children (Scotland) Act 2020 are in force and we will look to commence more in 2025 and take other related action. We are progressing implementation of child contact services regulation. [Redacted – out of scope]</p>
Who	<p>[Redacted – out of scope]</p>
Why	<p>When the Committee met on 5 November, it considered, in private, its work programme and agreed to take evidence on unimplemented legislation. There has been a focus on unimplemented legislation from some stakeholders and this was raised by some opposition MSPs during Stage 1 of the Victims, Witnesses and Justice Reform (Scotland) Bill. Extracts from the Official Report are attached separately. In their papers for the meeting, the Clerk has suggested areas the Committee may wish to cover are: The factors behind the delay in implementation of provisions of the respective Acts. [Redacted – out of scope] [Redacted – out of scope] As it applies to the Children (Scotland) Act 2020, any changes to current practice which could be achieved even without implementation of the relevant provision and an update on anticipated subordinate legislation in relation to the regulation of child contact centres [Redacted – out of scope]</p>

Supporting officials	[Redacted – out of scope] [Redacted -S.38(1)(b) – personal third party data], Family Law. (Children (Scotland) Act 2020) [Redacted – out of scope]
Media/social media	[Redacted – out of scope]

[Redacted – out of scope]

BRIEFING CONTENTS

[Redacted – out of scope]

ANNEX A SUMMARY

Top lines

- **Some provisions of the Children (Scotland) Act 2020 are in force. We will look to commence more in 2025.**
- **Implementation of the register of child welfare reporters has been delayed. However, we started a working group in November and part of the remit is to consider any improvements to current practice that could be made meantime.**
- [Redacted – out of scope]
- [Redacted – out of scope]

What the Acts will do

The Children (Scotland) Act 2020

[Redacted – out of scope]

Provisions

The main provisions in Act cover the following areas:

- [Redacted – out of scope]
- [Redacted – out of scope]
- **Section 9: Establishing a register of child welfare reporters, who provide reports to the courts in contact and residence cases. [We have just re-established a working group on reporters to look back at previous changes and to look forward to the register. The Minister for Victims and**

Community Safety chaired the first meeting on 20 November 2024]

- [Redacted – out of scope]
- [Redacted – out of scope]
- [Redacted – out of scope]
- [Redacted – out of scope]
- [Redacted – out of scope]

Provisions already commenced

[Redacted – out of scope]

The following sections of the 2020 Act came into force on 25 October 2021. These sections of the 2020 Act are only commenced for the **purposes of making regulations**:

- [Redacted – out of scope]
- Section 9 (register of child welfare reporters) for the purposes of making regulations
- [Redacted – out of scope]
- [Redacted – out of scope]

Reasons for delay

- Legislation progressed during COVID which delayed the opportunity to focus on implementation.
- This is a wide-ranging Act covering a range of complex implementation work. For example:
 - regulating the child contact services sector;
 - establishing new registers of child welfare reporters [and also curators ad litem and solicitors to act for people banned from self-representation];

- setting up a pilot of information meetings on ADR for people going through contact and residence cases:
 - setting up a funding scheme for ADR provision; and
 - ensuring child advocacy services are available in contact and residence cases.
- It was necessary to prioritise implementation work, for example, we initially initially prioritised work to regulate child contact centre regulation, which has been progressing with the Care Inspectorate.
- [Redacted – out of scope]

[Redacted – out of scope]

ANNEX B: [Redacted – out of scope]

ANNEX C: [Redacted – out of scope]

ANNEX D: DETAIL

Children (Scotland) Act 2020

Costs of implementation

1. We estimate that implementing the Children (Scotland) Act 2020 in full will cost around £15 million a year. This splits as follows:

- [Redacted – out of scope]
- Establishing a register of child welfare reporters: £5 million a year. This is a key provision in the Act as many other areas of the Act on obtaining the voice of the child depend on having properly trained, qualified and experienced reporters. Stakeholders tell us the quality of reporters now is patchy.
- [Redacted – out of scope]

Work planned

- [Redacted – out of scope]
- To have further meetings of the reconstituted Child Welfare Reporter working group.
- [Redacted – out of scope]

Views from stakeholders

5. In connection with this session, the Committee asked for views from a number of stakeholders. We have analysed the letters from Shared Parenting Scotland; the Children and Young People's Commissioner; and Children 1st. These responses focus on the Children (Scotland) Act 2020. We will provide details of the other letters in the supplementary briefing tomorrow.

Letter from the Children's Commissioner

6. We met with Megan Farr of the Office of the Children's Commissioner on Monday 2 December. They have since submitted a reply to the Committee on the Children (Scotland) Act 2020.

[Redacted – S.25(1) – information otherwise accessible]

Letter from Shared Parenting Scotland

[Redacted – S.25(1) – information otherwise accessible]

Letter from Children 1st

[Redacted – S.25(1) – information otherwise accessible]

Other general stakeholder views

7. Some further general views from stakeholders are included below for information.

Scottish Women's Aid (SWA)

[Redacted – out of scope]

Shared Parenting Scotland (SPS) (formerly Families need Fathers) [Redacted – S.25(1) – information otherwise accessible]

[Redacted – out of scope]

Both SPS and SWA agree that the current quality of child welfare reporters is patchy.

[Redacted – out of scope]

The legal profession

Their main concern tends to be around how provisions on Child Welfare Reporters are implemented. Around 90% of reporters are family lawyers.

[Redacted – out of scope]

ANNEX E: Q&A

[Redacted – out of scope]

Children (Scotland) Act 2020

Q. How much work is really involved in commencement?

A. As I said in my opening remarks, the amount of work involved in commencing provisions of Acts varies enormously. Some are straightforward and involve relatively little work and money. Others are more complex.

In relation to the register of Child Welfare Reporters under the Children (Scotland) Act 2020 for example:

- We plan to let a contract so an outside contractor would operate the register on behalf of the Scottish Ministers.
- We'll need to decide the criteria for being on the register and make regulations accordingly. A key part of that is laying down training requirements so that everybody can be satisfied that reporters are fully trained in areas such as domestic abuse.
- We and the contractor will need to recruit people on to the register.

All of this takes time and resources.

[Redacted – out of scope]

Q. What about commencing provisions in the Children (Scotland) Act 2020 where child welfare reporters have a role but the register itself may not be needed?

A. We've considered that point and will look at it further. We intend to table a paper on this seeking views at the next meeting of our Child Welfare Reporters Working Group. That meeting is likely to take place in February 2025.

Q. Are you planning any other work in relation to the Children (Scotland) Act 2020?

A. Yes. In 2025, we plan:

- [Redacted – out of scope]

- To have more meetings of the Child Welfare Reporters working group to look back at changes made in the past to see if they have worked; to look forward to the register of reporters; and to consider if changes can be made in advance of the register.
- [Redacted – out of scope]

[Redacted – out of scope]

[Redacted – out of scope]

SUPPLEMENTARY BRIEFING FOR THE MINISTER FOR PARLIAMENTARY BUSINESS

**Equalities, Human Rights and Civil Justice Committee: 10
December 2024: Unimplemented legislation**

Briefing contents

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[Redacted – out of scope]

Briefing contents

[Redacted – out of scope]

Annex G: Summary of letters from stakeholders	3 to 5
Annex H: Additional Q&A	6 to 9

[Redacted – out of scope]

Summary of letters from stakeholders

1. [Redacted – out of scope]
2. [Redacted – S.25(1) – information otherwise accessible]

Letter from Scottish Women’s Aid

Children (Scotland) Act 2020

- [Redacted – S.25(1) – information otherwise accessible]

[Redacted – out of scope]

Letter from Scottish Women’s Rights Centre

Children (Scotland) Act 2020

- [Redacted – S.25(1) – information otherwise accessible]

[Redacted – out of scope]

ADDITIONAL Q & A

[Redacted – out of scope]

Children (Scotland) Act 2020

Q. In relation to concerns about child welfare reporters, are there any changes to current practice which could be achieved even without implementation of the relevant provision?

A. We recognise that this is a key area.

In advance of implementing the new register, we've convened a working group on child welfare reporters with key stakeholders. The first meeting was on 20 November and was chaired by the Minister for Victims and Community Safety.

The group's remit is:

- to look back at how well changes from an previous working group are working in practice
- to look ahead to what is needed for the new register.
- to consider any improvements that could be made now. For example, we know there are concerns around training. This is something the group will consider at their next meeting.

We will also review existing guidance for adults and children on child welfare reports and existing instructions for reporters.

[Redacted – out of scope]

From: [Redacted -S.38(1)(b) – personal third party data]

Family Law Policy Unit
07 December 2023

Minister for Victims and Community Safety

UNIMPLEMENTED LEGISLATION

1.1 Priority and Purpose

1. You asked at one of your regular catch-ups with Denise Swanson, the Deputy Director of the Civil Law and Legal System Division, for a note on:
 - unimplemented legislation and why it has not been implemented;
 - [Redacted – out of scope]
2. This submission covers unimplemented legislation where the lead is with the Civil Law and Legal System Division. [Redacted – out of scope]

3. [Redacted – out of scope]

1.2 Recommendation

4. Recommends that you note this submission.

1.3 Context and Issues

Unimplemented legislation

5. Unimplemented legislation in Civil Law and Legal System Division is listed in the Annex to this submission.

[Redacted – out of scope]

1.4 Options Considered and Advice

6. Not applicable

1.5 Assessment of Options

7. Not applicable

1.6 [Redacted - out of scope]

8. [Redacted – out of scope]

9. [Redacted – out of scope]

1.7 Financial and Legal Considerations

10. Financial considerations are one of the reasons why some of the legislation listed in the Annex has not yet been commenced. In particular, we estimate that implementing the Children (Scotland) Act 2020 in full will cost around £15 million a year.

1.8 Sensitivities

11. [Redacted - S.30(b)(i) – free and frank provision of advice]

1.9 Quality Assurance

12. This Submission has been approved by Denise Swanson, Deputy Director, Civil Law and Legal System Division.

1.10 Conclusions and next Steps

13. You are asked to note this submission.

[Redacted -S.38(1)(b) – personal third party data]
Justice Directorate: Civil Law and Legal System Division: Family Law Policy Unit
07 December 2023

[Redacted – out of scope]

ANNEX: UNIMPLEMENTED LEGISLATION

1. Unimplemented legislation in Civil Law and Legal System Division is listed below.

Family Law Policy Unit

The Children (Scotland) Act 2020 (the 2020 Act)

2. [Redacted – out of scope]
3. [Redacted – out of scope]
4. [Redacted – out of scope]
5. It was always going to take some time to implement the 2020 Act in full as it is quite wide ranging and covers some complex areas. We estimate that implementing the 2020 Act in full will cost around £15 million a year, [Redacted - S.30(b)(i) – free and frank provision of advice]. In brief, the position on key areas is as follows:
 - Establishing a register of Child Welfare Reporters (who provide reports to sheriffs in section 11 proceedings) and a register of curators *ad litem* in section 11 proceedings (curators *ad litem* may be appointed by the court to represent the interests of a person who lacks capacity, such as a young child). We estimate these registers would cost £5 million a year net to establish and run. We have consulted on the detail of how the register might operate. We are preparing a submission on what work can be done in advance of establishing the register (e.g. re-convening a previous working group to check how improvements made in the past are working and to look ahead to the register).
 - Improving how the voice of the child is heard and explaining court decisions to the child. Some of this depends on the register of Child Welfare Reporters being in place.
 - [Redacted – out of scope]

Civil Law and Legal System Division
December 2023

MINISTER FOR VICTIMS AND COMMUNITY SAFETY

Briefing for Committee appearance on unimplemented legislation: Children (Scotland) Act 2020

What	Briefing on the Children (Scotland) Act 2020 for a session of the Equalities, Human Rights and Civil Justice Committee on unimplemented legislation.
When	[Redacted – out of scope]
Key messages	<ul style="list-style-type: none">• We continue to implement the Children (Scotland) Act 2020
Official support	[Redacted -S.38(1)(b) – personal third party data], Family Law Policy Unit, Civil Law Division. [Redacted -S.38(1)(b) – personal third party data]
Comms Activity	No proactive SG comms activity is planned. [Redacted - S.30(b)(ii) – free and frank exchange of views]
Briefing contents	[Redacted – out of scope]

ANNEX A: KEY MESSAGES AND BACKGROUND

Key messages

- **We remain committed to implementing the Children (Scotland) Act 2020.**
- [Redacted – out of scope]
- **In addition, we have re-established a working group on child welfare reporters, who provide reports to the sheriff in some contact and residence cases.**
- **This working group is looking ahead to the implementation of the register of child reporters planned in the 2020 Act, as well as looking back to see if changes made in the past in relation to reporters have worked.**

The 2020 Act is very wide ranging.

- **It covers a range of areas such as:**
 - [Redacted – out of scope]
 - **Establishing registers of child welfare reporters and of curators *ad litem* (who can be appointed by sheriffs to represent the interests of the child) in contact and residence cases.**
 - [Redacted – out of scope]
- **Given the wide range of areas, it was always going to be the case that the Act would be implemented in stages.**

Background

1. [Redacted – out of scope]
2. [Redacted – out of scope]
3. [Redacted – out of scope]
4. [Redacted – out of scope]
5. The main provisions in the 2020 Act fall within your portfolio responsibility. These cover a range of areas centred around cases under section 11 of the Children (Scotland) Act 1995 (e.g. child contact and residence cases), including:
 - [Redacted – out of scope]

- Establishing registers of child welfare reporters and of curators *ad litem* (who can be appointed by sheriffs to represent the interests of the child) in contact and residence cases.
- [Redacted – out of scope]

6. [Redacted – out of scope]

7. A detailed table in relation to commencement status is at Annex C. A key issue for commencement of many of the remaining provisions is they relate to child welfare reporters.

8. The register of child welfare reporters is going to take us some time to commence. We will need, for example, to carry out a tendering exercise so that the day-to-day functions of running the register in the name of the Scottish Ministers will be contracted out. This could take a year.

9. We will also need to make regulations on matters such as requirements (e.g. training) to be on the register and on the remuneration of reporters.

10. We estimate that establishing the register will cost us around £5 million (nett) a year. There will also be staff resource implications.

11. In the meantime, we have re-established a Working Group on Child Welfare Reporters to look ahead to the register (and to look back at changes made in the past to see if these have worked). In due course, we may turn this into an implementation group for the register.

12. Some of the provisions in the Children (Scotland) Act 2020 depend on the actual register being in place. Others are linked to child welfare reporters but the register does not need to be in place. Our intention is to lay an SSI later this year to commence a number of provisions in the 2020 Act which are linked to reporters but do not rely on the register.

13. [Redacted – out of scope]

14. Our intention is to have a lead in time of around 12 months before the provisions come into force, to give time for court rules to be made and time for the courts to gear up.

15. [Redacted – out of scope]

16. Overall, we estimate that implementing the 2020 Act in full will cost us around £15 million a year. This would be around £5 million (nett) for the register of child welfare reporters; [Redacted – out of scope]

ANNEX B: TABLE ON COMMENCEMENT

Section	About	Status
[Redacted – out of scope]		
Section 9	Establishment of register of child welfare reporters.	Section 9 has been commenced for the purposes of making regulations but the substance (i.e. the register) is not in place. We have reconvened a working group on child welfare reporters to look ahead to implementing the register (and to look back at changes in the past).
[Redacted – out of scope]		

ANNEX D: Q&A

Q. Why the delays in implementing the Children (Scotland) Act 2020?

A. There are a variety of reasons: the pandemic; the wide nature of the 2020 Act, which means implementation was always likely to take place in stages; the need to take account of operational requirements of bodies such as the courts.

[Redacted – out of scope]

Q. What about child welfare reporters?

A. The Scottish Government recognises that establishing the register of child welfare reporters is one of the key provisions in the Children (Scotland) Act 2020.

Being a child welfare reporter is an important and challenging role. Being able to talk and listen to children discussing sensitive areas is crucial. And child welfare reporters must understand domestic abuse.

Many child welfare reporters already do fantastic jobs. A key aim of the register is to ensure that all are fully trained.

We have established a working group on child welfare reporters. This is looking back at changes made in the past to see if these have worked. And, more importantly, it is looking ahead to the establishment of the register.

Q. How long will it take to establish the register of child welfare reporters?

A. Realistically, it is going to take some years.

We will need, for example, to carry out a tendering exercise so that the day-to-day functions of running the register in the name of the Scottish Ministers will be contracted out.

We will also need to make regulations on matters such as requirements (e.g. training) to be on the register and on the remuneration of reporters.

That is why we are looking to commence what other provisions we can now.

[Redacted – out of scope]

UNIMPLEMENTED LEGISLATION: CHILDREN (SCOTLAND) ACT 2020

Speaking notes

Convener, I am grateful to have the opportunity today to outline our approach in relation to implementing the Children (Scotland) Act 2020.

I set out details of our plans in my letter of 11 March to you, Convener.

We remain committed to implementing the 2020 Act in full.

[Redacted – out of scope]

There is still more work to be done. For example, the planned register of child welfare reporters is a key provision in the 2020 Act.

Child welfare reporters can play a key role in contact and residence cases, providing reports to the sheriff hearing the case and interviewing key people, including the child at the centre of the case.

So we have re-established a child welfare reporter working group. This will look back at changes made in the past. But it will also look forward to the future and to implementing the register.

I hope that brief introduction reassures you, Convener, and members that implementation of the 2020 Act is taking place and continues to take place. We recognise the need to implement legislation. And the 2020 Act is particularly important, given it is about children.

[Redacted – out of scope]

Information for release

Family Law Policy Unit – children team – work plan

1. Children (Scotland) Act 2020

Implementation work to be progressed by Family Law team				
	Area of work	Team member	Status	Next steps
	[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]
	[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]
	New register of child welfare reporters (s.9)	[Redacted - S.38(1)(b) – personal third party data]	Draft policy instructions started	<ul style="list-style-type: none"> Identify what further policy decisions are required and seek Minister’s agreement. Update draft policy instructions
	New register of curators ad litem (s.17)	[Redacted - S.38(1)(b) – personal third party data]	Linked to child welfare reporters work	Linked to child welfare reporters work
	[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]
	[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]

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	[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]
	[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]
	[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]
	[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]

Areas of 2020 Act work reliant on CWR register being in place				
	Area of work	Team member	Status	Next steps
	Views of the child provisions – section 11 (s.1)	TBC	Requires the views of the child to be sought	Await CWR register
	Explanation of decisions (s.20)	TBC	Requires the views of the child to be sought	Await CWR register
	Failure to obey an order (s.22)	TBC	Requires the views of the child to be sought	Await CWR register
	Disclosure of confidential information (s.18)	TBC	Requires the views of the child to be sought	Await CWR register

	[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]
	Additional factors for court to consider (s.16)	TBC	Requires section 11ZA of the 1995 Act to be in force	Await CWR register

[Redacted – out of scope]

[Redacted – out of scope]

[Redacted – out of scope]

**AREAS TO BE IMPLEMENTED
FAMILY LAW UNIT, CIVIL LAW AND LEGAL SYSTEM DIVISION**

Children (Scotland) Act 2020.

Area 1.

The Children (Scotland) Act 2020 covers a range of areas in relation to family court cases including:

- [Redacted – out of scope]
- [Redacted – out of scope]
- a register of Child Welfare Reporters, who advise sheriffs in contact and residence cases;
- [Redacted – out of scope]
- [Redacted – out of scope]
- [Redacted – out of scope]
- [Redacted – out of scope]
- [Redacted – out of scope]

[Redacted – out of scope] However, implementation has been delayed by carrying out other work in the pandemic and a lack of resources. Even if staff time and resources were available, implementation will still take some time (years) as long lead in times are required in some areas.

We estimate full implementation of the 2020 Act would cost some £15 million a year, which is not available.

Specific areas are covered below. [Redacted – out of scope]

[Redacted – out of scope]

The provisions on a register of Child Welfare Reporters are key to implementing a number of the 2020 Act provisions. We estimate the register would cost around £5 million a year (nett). The register itself will cost more than £5 million but there are some legal aid savings.

[Redacted – out of scope]

	Issue	Comments
[Redacted – out of scope]	2020 Act – register of Child Welfare Reporters (and of curators <i>ad litem</i>). Child Welfare Reporters provide reports to sheriffs on child contact and residence cases. [Redacted – out of scope]	The register would cost us around £5 million net a year and the resources are not currently available.
[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]

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Family Law Policy Unit
January 2023

From: [Redacted - S.38(1)(b) – personal third party data]

Sent: 12 September 2023 16:48

To: Minister for Victims & Community Safety <MinisterVCS@gov.scot>

Cc: [Redacted - S.38(1)(b) – personal third party data]< [Redacted - S.38(1)(b) – personal third party data]>; [Redacted - S.38(1)(b) – personal third party data]<[Redacted - S.38(1)(b) – personal third party data]>; [Redacted - S.38(1)(b) – personal third party data]< [Redacted - S.38(1)(b) – personal third party data]>; Denise Swanson <Denise.Swanson@gov.scot>

Subject: RE: Written PQ Query - S6W-20854

Hi [Redacted - S.38(1)(b) – personal third party data]

[Redacted – out of scope]

[Redacted – out of scope]

Section 22 refers in part to the register of Child Welfare Reporters that will be introduced by the 2020 Act. This register will take us some time to establish as there are costs attached to it. We plan to let a contract for an outside organisation to run the register on behalf of the SG, and the register will then take some time to set up (for example, people will need to be recruited to go on it).

[Redacted – out of scope]

[Redacted – out of scope]

[Redacted – out of scope]

Kind regards,

[Redacted - S.38(1)(b) – personal third party data]

Policy Officer | Family Law | Civil Law and Legal System Division | Directorate for Justice | DG Education and Justice
Scottish Government | GW.15 | St. Andrew's House | Regent Road | Edinburgh | EH1 3DG

📧 [Redacted - S.38(1)(b) – personal third party data]

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From: [Redacted – S.38(1)(b) – personal third party data]
Family Law Policy Unit
Civil Justice and Legal System Division
13 March 2023

Minister for Community Safety

[Redacted – out of scope]

CHILDREN (SCOTLAND) ACT 2020 – IMPLEMENTATION UPDATE

Priority and Purpose

1. To provide advice and a draft reply to the latest letter from the Citizen Participation and Public Petitions Committee on this Petition. The letter, at Annex A, seeks clarification on why provisions included in the Children (Scotland) Act 2020 have not yet been implemented.

[Redacted – out of scope]

[Redacted – out of scope]

[Redacted – out of scope]

Recommendation

2. Recommends that you agree the attached reply to the Committee.

Context and Issues

3. [Redacted – out of scope] The briefing from SPICE notes that a number of un-commenced sections of the Children (Scotland) Act 2020 are relevant. The sections highlighted by SPICE are:
 - **Section 1**, which is designed to strengthen the importance of the child's views in decision-making.

[Redacted – out of scope]

- **Section 9**, which makes provision for a system of statutory regulation of child welfare reporters. [Child welfare reporters can be appointed by the courts in contact and residence cases to interview key people, including the child, and make recommendations on how the case should be decided]. Regulation would seek to ensure reporters are trained in matters such as domestic abuse and coercive control.

[Redacted – out of scope]

[Redacted – out of scope]

[Redacted – out of scope]

[Redacted – out of scope]

4. On section 9, we have also consulted since the 2020 Act was enacted on the regulation of child welfare reporters (and other matters). We see this as our next priority after the regulation of child contact centres given that many of the provisions of the 2020 Act are based around the regulation of child welfare reporters (and the establishment of a register of reporters to ensure they have appropriate training and skills).
5. However, we estimate that regulation in this area might cost some £8 million in total per year although there could be savings of around £3 million a year in the legal aid budget (as the costs of reporters would no longer be met through legal aid). We don't have these resources: the SPICe briefing noted we have mentioned budgetary constraints previously.

[Redacted – out of scope]

[Redacted – out of scope]

[Redacted – out of scope]

[Redacted – out of scope]

[Redacted – out of scope]

[Redacted – out of scope]

Options Considered and Advice

6. Not applicable.

Assessment of Options

7. Not applicable.

[Redacted – out of scope]

[Redacted – out of scope]

Financial and Legal Considerations

8. As indicated above, there are budgetary constraints here. We estimate full implementation of the 2020 Act would cost around £15 million a year

Sensitivities

9. There may be growing pressure to implement the 2020 Act.

Quality Assurance

10. This Submission has been approved by Denise Swanson, Deputy Director, Civil Law and Legal System Division.

Conclusions and next Steps

11. You are asked to agree the attached reply to the Committee.

[Redacted - S.38(1)(b) – personal third party data]

Family Law Policy Unit

Justice: Civil Law and Legal System Division

[Redacted - S.38(1)(b) – personal third party data]13 March 2023

[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]
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ANNEX A: [Redacted – out of scope]

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ANNEX B: EXTRACT FROM THE *OFFICIAL REPORT*

New Petitions

Domestic Abuse Perpetrators (Family Court Proceedings) (PE1968)

[Redacted – out of scope]

[Redacted – out of scope]

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ANNEX C

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From: [Redacted – S.38(1)(b) – personal third party data]
Family Law Policy Unit
Civil Law and Legal System Division
17 April 2023

Cabinet Secretary for Justice and Home Affairs
Minister for Victims and Community Safety

CHILDREN (SCOTLAND) ACT 2020 – IMPLEMENTATION UPDATE

1.1 Priority and Purpose

12. This submission provides an update on implementation of the main provisions of the Children (Scotland) Act 2020 (the 2020 Act), as discussed with the Cabinet Secretary at a meeting on the Victims, Witnesses and Justice Reform (Scotland) Bill on 13 April 2023.

13. The priority is **routine**. However, the Cabinet Secretary indicated that it was possible implementation of the 2020 Act could be raised when she attends the Criminal Justice Committee on 19 April.

1.2 Recommendation

14. We ask that you note the update on progress to implement the 2020 Act.

1.3 Context and Issues

[Redacted – out of scope]

[Redacted – out of scope]

[Redacted – out of scope]

[Redacted – out of scope]

- [Redacted – out of scope]
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[Redacted – out of scope]

Areas of work yet to progress

Registers of child welfare reporters and curators ad litem

15. Sections 9 and 17 of the 2020 Act provide for the establishment of registers of child welfare reporters and curators *ad litem*, who may be appointed in a case under section 11 of the 1995 Act. Child welfare reporters may be appointed to provide the court with advice on a case by, for example: interviewing the parents and others; obtaining the child's views; and reporting on the child's best interests. Curators *ad litem* may be appointed to safeguard the child's best interests in the proceedings.
16. We consulted in 2021 on implementing these new registers. We plan to contract out the operation and management of these registers. Sufficient time will need to be factored in for procurement of the contract. Secondary legislation will also be needed to establish the registers.
17. Establishing a register of child welfare reporters is a priority, both to ensure reporters are qualified, experienced and trained, but also because we may need the register to be in place for a number of the other 2020 Act provisions to work effectively (e.g. various provisions relating to the views of the child, where a child welfare reporter may be appointed).
18. We plan to carry out more work in this area once the SSIs on the regulation of child contact centres have been laid. However, we estimate that the registers of child welfare reporters and curators *ad litem* might cost around £5 million net a [Redacted – S.30(b)(i) – free and frank provision of advice].

[Redacted – out of scope]

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[Redacted – out of scope]

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Options Considered and Advice / Assessment of Options

19. As indicated above, a number of provisions have already been commenced and we are considering what scope there is to commence further provisions (e.g., in advance of the register of child welfare reporters being in place). [Redacted – out of scope]

[Redacted – out of scope]

[Redacted – out of scope]

[Redacted – out of scope]

Financial and Legal Considerations

20. There will be costs to the Scottish Government to fully implement the 2020 Act: we estimate these to be around £15 million a year.

Sensitivities

21. There is on-going pressure to implement the 2020 Act. If needed for the Cabinet Secretary's appearance at the Criminal Justice Committee, we suggest the following lines to take:

“ I recognise the need to make progress on implementing the Children (Scotland) Act 2020.

The 2020 Act is very wide ranging. We are currently working on the regulation of child contact centres and plan to lay SSIs in this area later this year. Another key priority where we plan to carry out further work this year is on establishing a register of Child Welfare Reporters. [Redacted – out of scope]

Implementation will take time. Secondary legislation is needed in many areas and time will be required for new processes to be put in place. There are also significant costs: we estimate the cost of implementing the 2020 Act will be around £15 million a year in total once the Act is fully implemented. However, I am committed to carrying out implementation work as soon as we can.”

Quality Assurance

22. This submission has been approved by Denise Swanson, Deputy Director, Civil Law and Legal System Division.

Conclusions and next steps

23. You are asked to note:

- This progress update.
- The line to take at paragraph 30.
- That detailed advice will be provided on implementation work.

[Redacted - S.38(1)(b) – personal third party data]

Family Law Policy Unit

Civil Law and Legal System Division

17 April 2023

[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]
[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]

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ANNEX

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- [Redacted – out of scope]

Minister for Victims and Community Safety

CHILDREN (SCOTLAND) ACT 2020 – OVERVIEW

1.4 Priority and Purpose

24. This submission provides:

- [Redacted – out of scope]; and
- a status update on commencement of provisions in the 2020 Act to date.

25. The priority is **routine**.

1.5 Recommendation

26. We ask that you note the overview and commencement update. [Redacted – out of scope]

1.6 Context and Issues

27. [Redacted – out of scope] The 2020 Act covers a wide range of areas including:

- [Redacted – out of scope]
- [Redacted – out of scope]
- [Redacted – out of scope]
- Establishing a register of child welfare reporters (who provide advice to sheriffs in contact and residence cases) and of curators *ad litem* in contact and residence cases. (Curators *ad litem* can be appointed by the court to represent the interests of the child).
- [Redacted – out of scope]

- [Redacted – out of scope]
- [Redacted – out of scope]

[Redacted – out of scope]

[Redacted – out of scope]

[Redacted – out of scope]

[Redacted – out of scope]

Overview of main provisions within remit of Minister for Victims and Community Safety

[Redacted – out of scope]

[Redacted – out of scope]

[Redacted – out of scope]

[Redacted – out of scope]

[Redacted – out of scope]

[Redacted – out of scope]

[Redacted – out of scope]

[Redacted – out of scope]

[Redacted – out of scope]

Registers of child welfare reporters and curators ad litem

28. Sections 9 and 17 of the 2020 Act provide for the establishment of registers of child welfare reporters and curators *ad litem*, who may be appointed in a case under section 11 of the 1995 Act.
29. The court may instruct a child welfare reporter to obtain the child's views or report on the best interests of the child. As well as speaking to the child, this may involve the reporter interviewing the parents and other people in the child's life.
30. A curator *ad litem* may be appointed in these cases to represent the interests of the child and safeguard their best interests in the proceedings.
31. We consulted in 2021 on implementing the new registers, including on eligibility criteria and training requirements for being entered on the registers. We plan to contract out the operation and management of the registers and sufficient time will need to be factored in for procurement of the contract. Secondary legislation will also be needed to establish the registers.
32. Establishing the register of child welfare reporters is a priority. As well as ensuring reporters are adequately trained, a number of other 2020 Act provisions will work more effectively with the register in place. These are provisions likely to involve a child welfare reporter obtaining the child's views, including:
- section 1 (regard to be had to the child's views)
 - section 16 (factors to be considered before making an order)
 - section 20 (explanation of decisions to the child)
 - section 22 (failure to obey order)
 - section 30 (delay in proceedings likely to prejudice child's welfare)
33. We plan to carry out more work in this area once the SSIs on the regulation of child contact centres have been laid (see below). However, we estimate that the cost of running the registers of child welfare reporters and curators *ad litem* could be around £5 million net a [Redacted – S.30(b)(i) – free and frank provision of advice]

[Redacted – out of scope]

[Redacted – out of scope]

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[Redacted – out of scope]

Options Considered and Advice / Assessment of Options

34. As indicated above, a number of provisions have already been commenced and we are considering what scope there is to commence further provisions (e.g., in advance of the register of child welfare reporters being in place).

[Redacted – out of scope]

[Redacted – out of scope]

[Redacted – out of scope]

[Redacted – out of scope]

Financial and Legal Considerations

35. There will be costs to the Scottish Government to fully implement the 2020 Act, which we estimate to be around £15 million a year.

Sensitivities

36. There is on-going pressure from some stakeholders and MSPs to implement the 2020 Act.

Quality Assurance

37. This submission has been approved by Denise Swanson, Deputy Director, Civil Law and Legal System Division.

Conclusions and next steps

38. You are asked to note:

- the overview and commencement update; and
- [Redacted – out of scope]

[Redacted - S.38(1)(b) – personal third party data]

Family Law Policy Unit

Civil Law and Legal System Division

14 June 2023

[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]
[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]	[Redacted – out of scope]

[Redacted – out of scope]
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ANNEX A

Provisions already commenced

[Redacted – out of scope]

[Redacted – out of scope]

- [Redacted – out of scope]
- [Redacted – out of scope]
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- [Redacted – out of scope]
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- [Redacted – out of scope]

1. The following sections of the 2020 Act came into force on 25 October 2021 and are only commenced for the purposes of making regulations:

- [Redacted – out of scope]
- Section 9 (register of child welfare reporters)
- [Redacted – out of scope]
- [Redacted – out of scope]

COMMENCEMENT OF THE CHILDREN (SCOTLAND) ACT 2020

Section	Purpose	Commencement status	Comments Potential to commence now?
[Redacted – out of scope]			
[Redacted – out of scope]			
<i>Register for child welfare reporters</i>			
9	Establishment of a register	<p>Commenced for the purpose of making regulations on 25 October 2021. The Children (Scotland) Act 2020 (Commencement No. 2) Regulations 2021 (legislation.gov.uk)</p> <p>Regulations not yet made</p>	<p>The Scottish Government has consulted on the establishment of Registers of child welfare reporters, curators ad litem and of solicitors who may be appointed when an individual has been prohibited from conducting their case themselves - Scottish Government - Citizen Space (consult.gov.scot)</p> <p>The regulation of child welfare reporters and the establishment of a register is a priority for the Scottish Government, once work on the regulation of child contact centres has been completed.</p> <p>However, there are budgetary constraints as the estimated cost of establishing the register is around £5 million a year.</p>
[Redacted – out of scope]			[Redacted – out of scope]

[Redacted – out of scope]	[Redacted – out of scope]
[Redacted – out of scope]	[Redacted – out of scope]
[Redacted – out of scope]	[Redacted – out of scope]
[Redacted – out of scope]	[Redacted – out of scope]
[Redacted – out of scope]	[Redacted – out of scope]

June 2023

[Redacted – out of scope]

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- [Redacted – out of scope]
- [Redacted – out of scope]
- [Redacted – out of scope]
- [Redacted – out of scope]
- [Redacted – out of scope]
- [Redacted – out of scope]
- [Redacted – out of scope]

FOI 202600506694

PQ Background Notes – in scope

S6W-22029: [Redacted - S.25(1) – information otherwise accessible]

Answer:

[Redacted - S.25(1) – information otherwise accessible]

BACKGROUND NOTE FOR S6W-22029

[Redacted – out of scope]

Background on the Children (Scotland) Act 2020

[Redacted – out of scope]

Implementation – general

1. In terms of the 2020 Act provisions relating to cases under section 11 of the 1995 Act, we have been progressing with implementation work in some areas, but others have been delayed due to resource pressures. We estimate that implementing these areas of the 2020 Act in full will cost around £15 million a year, which is currently not available.
2. Given the uncertainty regarding budget pressures, it is difficult to provide a timetable of when provisions may be implemented. However, the table provided to the Public Petitions Committee in relation to Public Petition PE1968 reflects the position on commencement generally, including that some provisions have already been commenced.

[Redacted – out of scope]

Implementation – areas not yet progressed

1. Implementation of the register of child welfare reporters (who may be appointed in cases under section 11 of the 1995 Act to obtain the views of the child or report on the best interests of the child) has been delayed due to the pressure on resources. It is estimated that setting up and running the new register will cost around £5 million a year, which is not available within current budgets. Staff resources have also been focused in other areas, such as the regulation of child contact services.

2. Given the budget position it is unlikely we will be in a position to implement the new register for some time (we are considering what other steps could be taken to make improvements in advance of the register). This will impact on implementation timescales for other provisions of the 2020 Act linked directly or indirectly to the new register.

[Redacted – out of scope]

Further commencement of provisions

[Redacted – out of scope]

1. A number of the 2020 Act provisions potentially involve the role of the child welfare reporter. The Act provides for the establishment of a register of child welfare reporters to help improve the quality and consistency of child welfare reports and ensure reporters are properly skilled and trained. This is a key part of the 2020 Act and we consider that a number of other provisions in the Act will only work effectively with the new register in place, for example, provisions relating to the views of the child in section 11 cases.

[Redacted – out of scope]

Contact Name: [Redacted - S.38(1)(b) – personal third party data]
Tel: [Redacted - S.38(1)(b) – personal third party data]

BACKGROUND NOTE FOR S6W-27580

[Redacted – out of scope]

Child welfare reporters - costs

1. The [Financial Memorandum](#) that accompanied the Children (Scotland) Bill (now the 2020 Act) set out the expected financial implications of establishing a register of child welfare reporters (pages 4 to 16).
2. The most significant costs will fall to the Scottish Government in relation to setting up and running a new register. Child welfare reporters will also have additional functions under the 2020 Act (e.g. explaining decisions to the child, investigating non-compliance with orders, taking the views of younger children).
3. The table below summarises a breakdown of these costs, using the low or high estimates from the Financial Memorandum.

Activity	Low Estimate £M per year	High Estimate £M per year
-----------------	-------------------------------------	--------------------------------------

Operating and managing the register of Child Welfare Reporters	2.08	2.44
Paying child welfare reporter fees when these are currently met through legal aid	Cost neutral	
Paying child welfare reporter fees when these are currently met privately	0.14	0.56
Additional function of explaining court decisions to child	1.36	3.76
Additional function of investigating non-compliance with a court order under section 11 of the 1995 Act	0.71	1.43
Interviewing more (younger) children	0.04	0.16
Total	4.33	8.35

On this basis, we consider £5 million a year to be a reasonable cost estimate for the new register. [Redacted - S.30(b)(i) – free and frank provision of advice]

- On 16 March 2023, the then Minister for Community Safety said in a submission to the Citizen Participation and Public Petitions Committee in relation to [Public Petition PE1968](#) that we estimate the cost of establishing a register of child welfare reporters may be around £5 million a year.

[Redacted - S.30(b)(i) – free and frank provision of advice]

Child welfare reporters - appointment

- Child welfare reporters can be appointed by the court in cases under section 11 of the Children (Scotland) Act 1995 (e.g. contact or residence cases) to seek the views of the child or to undertake enquiries and report to the court.
- Currently child welfare reporters are appointed from lists held by each of the six Sheriffs Principal or by the Court of Session. Once the new register is established, the court will only be able to appoint child welfare reporters who are included on the register.
- We intend to contract out the operation and management of the register. The body appointed would deal with the day-to-day running of the register, including requests from the courts. The Scottish Government would retain oversight for appointing or removing individuals from the register.
- We won't be in a position to lay the necessary secondary legislation or contract out the operation and management of the register until sufficient budget is available. Once SSIs are laid, we would need around 18 months to fully implement the new register and begin accepting individuals onto it.

5. You recently answered question [S6W-26002](#) from Sharon Dowie MSP: “To ask the Scottish Government when it plans to commence, by regulations, the remaining provisions of the Children (Scotland) Act 2020”.
6. The answer to this question gave further detail on progress on key areas of the 2020 Act, including the register of child welfare reporters, noting that work across Scottish Government is currently being prioritised in light of budgetary pressures.
7. It set out that we plan to convene a short-life working group on child welfare reporters with key stakeholders later this year, which will inform further development of policy around the new register under the 2020 Act.

Contact Name: [Redacted - S.38(1)(b) – personal third party data]
Tel: [Redacted - S.38(1)(b) – personal third party data]

S6W-31873: Monica Lennon MSP

[Redacted - S.25(1) – information otherwise accessible]

Answer:

[Redacted - S.25(1) – information otherwise accessible]

BACKGROUND NOTE FOR S6W-31873

[Redacted – out of scope]

Children (Scotland) Act 2020

[Redacted – out of scope]

Child welfare reporters

5. The implementation of the register of child welfare reporters is a priority. There is a need to ensure reporters are properly qualified and trained, and in addition, many other sections of the 2020 Act are in some way connected to child welfare reporters.

6. In 2021 the Scottish Government carried out a consultation on implementation of the [registers of child welfare reporters, curators ad litem and of solicitors who may be appointed when an individual has been prohibited from conducting their case themselves](#).
7. However, implementation has been delayed. There is a significant amount of work required and we estimate it will cost around £5 million a year to run the new register, [Redacted - S.30(b)(i) free and frank provision of advice]
8. In order to ensure there is some progress in advance of full implementation, we have re-established a working group on child welfare reporters. This follows a previous working group on child welfare reporters between 2013 and 2015, which resulted in a number of changes (e.g. new court rules, publication of guidance on child welfare reports, instructions for child welfare reporters).
9. The remit of the current group is to look back at the previous changes to see whether they are working in practice; to look forward to the register; and to consider whether there are any improvements that could be now.
10. You chaired the first meeting on 20 November 2024.

[Redacted – out of scope]

Contact Name: [Redacted - S.38(1)(b) – personal third party data]
Tel: [Redacted - S.38(1)(b) – personal third party data]

BACKGROUND NOTE FOR S6W-36200

[Redacted – out of scope]

Children (Scotland) Act 2020

[Redacted – out of scope]

Implementation priorities

9. The 2020 Act is a wide-ranging piece of legislation covering a range of complex implementation work. The 2020 Act was passed in October 2020 and was initially being progressed during COVID, which at times limited the opportunity to fully focus on implementation.
10. Since then, due to resource pressures more generally, it has been necessary to prioritise certain areas of implementation work, for example, the regulation of child contact services. We hope following this work we can turn our focus towards the register of child welfare reporters. We have recently convened a working group on child welfare reporters whose remit is in part to look ahead to what is required for the new register.

11. However, establishing the register will require a significant amount of work and resources (e.g. secondary legislation, tendering a contract for day-to-day operation, changes to court rules, training requirements, etc.) and we will need to prioritise given other areas of 2020 Act implementation work (e.g. pilot of ADR meetings) will also be time consuming.

[Redacted – out of scope]

Equalities, Human Rights and Civil Justice Committee

12. Unimplemented legislation (including the 2020 Act) has been a recent focus of the EHRCJ Committee.
13. In addition to your letter to the EHRCJ Committee on 11 March 2025, setting out our commencement and implementation plans for the 2020 Act, you are due to attend an EHRCJ Committee meeting on unimplemented legislation on 24 June 2025.

[Redacted – out of scope]

Contact Name: [Redacted - S.38(1)(b) – personal third party data]
Tel: [Redacted - S.38(1)(b) – personal third party data]

BACKGROUND NOTE FOR S6W-39870

[Redacted – out of scope]

Children (Scotland) Act 2020

[Redacted – out of scope]

Child welfare reporters

11. The register of child welfare reporters is going to take us some time to commence. We will need, for example, to carry out a tendering exercise so that the day-to-day functions of running the register in the name of the Scottish Ministers will be contracted out. This could take a year.
12. We will also need to make regulations on matters such as requirements (e.g. training) to be on the register and on the remuneration of reporters.
13. We estimate that establishing the register will cost us around £5 million (nett) a year. There will also be staff resource implications.

14. In the meantime, we have re-established a Working Group on Child Welfare Reporters to look ahead to the register (and to look back at changes made in the past to see if these have worked). In due course, we may turn this into a reference group or implementation group for the register.

15. Some of the provisions in the Children (Scotland) Act 2020 depend on the actual register being in place. Others are linked to child welfare reporters but the register does not need to be in place. The next set of commencement regulations we plan to lay in October will include some provisions, which are linked to child welfare reporters, but do not rely on the register being in place.

Contact Name: [Redacted - S.38(1)(b) – personal third party data]
Tel: [Redacted - S.38(1)(b) – personal third party data]

Ruth Maguire MSP: S6O-05173: [Redacted - S.25(1) – information otherwise accessible]

Suggested answer:

[Redacted - S.25(1) – information otherwise accessible]

Background Note

[Redacted – out of scope]

Children (Scotland) Act 2020

[Redacted – out of scope]

Child welfare reporters

1. Many sections of the 2020 Act are in some way reliant on the register of child welfare reporters being in place. Establishing the register remains a priority, but given pressures on resources, we have not been in a position to implement the register whilst progressing other priority work, e.g. regulation of child contact services.
2. However, we convened a Working Group on child welfare reporters with key stakeholder bodies to consider the following, then prepare a report to submit to Scottish Ministers:
 - how the current system is working in practice;
 - what is needed in advance of the new register; and
 - what changes could be made now to improve the current system.

3. You chaired the first meeting and there have been three further meetings to date (the latest was on 12 August 2025).
4. You are meeting with four members of the Working Group on Wednesday 19 November, who are concerned about delays in implementing the register and the future direction of the Working Group.
5. We expect to have some capacity to begin implementation work on the new register, now that the SSIs on child contact services have been approved. However, it will take 2 to 3 years before the register would be fully operational, as there are a number of implementation tasks (e.g. making regulations, tendering a contract, proposing court rules changes).
6. A key area for consideration ahead of the new register is training. We expect individuals to be suitably trained in areas such as: understanding the dynamics of domestic abuse; speaking to children; child development; trauma-informed practice; understanding the ways a parent can influence a child.
7. It is estimated that the new register will cost around £5 million a year on an ongoing basis. This includes running costs as well as the cost of paying child welfare reporters for reports, which is currently paid for by the parties, either through legal aid or privately.

[Redacted – out of scope]

Potential supplementary Q & A

Q1: When will the Scottish Government implement the register of child welfare reporters?

Implementation of the register of child welfare reporters remains a priority area. However, given pressures on resources, we have had to prioritise other areas of work, most recently, the regulation of child contact services.

We anticipate that implementation work on the register of child welfare reporters can be prioritised in the coming year – although it will take up to three years before being fully operational.

We've also convened a working group on child welfare reporters to consider improving the current system, whilst also looking ahead to what is needed for the new register.

[Redacted – out of scope]

MINISTER FOR VICTIMS AND COMMUNITY SAFETY

MEETING WITH MEMBERS OF CHILD WELFARE REPORTER WORKING GROUP

What	<i>Meeting with four members of the Child Welfare Reporter Working Group.</i>
When	<i>Wednesday 19 November - 15:30 to 16:30</i>
Where	<i>Room TG.22 Scottish Parliament</i>
Who	<i>[Redacted -S.38(1)(b) – personal third party data]Social Work Scotland [Redacted -S.38(1)(b) – personal third party data]Scottish Women’s Aid [Redacted -S.38(1)(b) – personal third party data]Shared Parenting Scotland [Redacted -S.38(1)(b) – personal third party data]Children First</i>
Why	<i>To discuss the concerns raised in correspondence (Annex C) by some members of the Working Group on the progress of the work to reform Child Welfare Reporters, including the implementation of the register of child welfare reporters.</i>
Key messages	<ul style="list-style-type: none"> <i>I’m grateful to you for your membership of the working group.</i> <i>I recognise the importance of implementing the register, which is why we convened the Working Group ahead of implementation.</i> <i>I note your concerns around delay - implementation of the register remains a key priority, but work will need to be phased.</i> <i>Implementation will be for the next parliamentary session, and it will be for the next Administration to prioritise work.</i> <i>Budgets for 2026/27 have not been set.</i>
Official support	<i>[Redacted -S.38(1)(b) – personal third party data]– Family Law Policy Unit – [Redacted -S.38(1)(b) – personal third party data] [Redacted -S.38(1)(b) – personal third party data]– Family Law Policy Unit - [Redacted -S.38(1)(b) – personal third party data]</i>
Agenda	<p><i>There is no set agenda for this meeting. Members advise that they’re concerned that there isn’t sufficient resources to progress the implementation work effectively. They would like to discuss their concerns and hopes for this work, including the purpose of the Working Group. Other issues may be raised.</i></p> <p><i>Item 1 – Progress with implementation</i> <i>Item 2 – Future direction of the working group</i></p> <p><i>Annex A –Background information - other implementation pressures</i> <i>Annex B - Working Group terms of reference and membership</i> <i>Annex C – Copy of correspondence</i> <i>[Redacted – Not in Scope]</i></p>
Main objective	<ul style="list-style-type: none"> <i>To listen to the concerns and suggestions of attendees for this work.</i> <i>Provide reassurance that the register of child welfare reporters is a key implementation priority.</i>

- | | |
|--|---|
| | <ul style="list-style-type: none">• <i>However, make clear that implementation priorities will be for the next Administration.</i>• <i>Get views on the future direction of the working group.</i>• <i>Ensure members feel heard, fostering good stakeholder relations.</i> |
|--|---|

<p>ITEM 1</p>	<p>Progress with the implementing the register of child welfare reporters</p>
<p>Issue/ background</p>	<p>In their correspondence, the members of the working group noted that: <i>“Meaningful progress on the reform of Child Welfare Reporters, in line with the policy intent set out in 2020, is a priority for all of us, and we share a concern that without a restatement of the need for urgent change, things may continue to drift.”</i></p> <p>The letter was from four member organisations from the Working Group, and is not necessarily representative of all members.</p> <p><u>Background</u></p> <p>Implementation of the new register of child welfare reporters remains a key priority. However, this has been delayed due to resource pressures, including staff resources. This has meant we’ve had to prioritise the areas of implementation work to progress – most recently, the regulation of child contact services.</p> <p>The delays in implementation, and the importance of the register in the context of the 2020 Act (since many other provisions are linked to it), is the reason we decided to set up the Working Group - to start laying some of the groundwork ahead of implementation.</p> <p><u>Implementation requirements</u></p> <p>There is a significant amount of implementation work involved in setting up the register of child welfare reporters, including:</p> <ul style="list-style-type: none"> • Making regulations on requirements to be on the register. • Tendering a contract for the day-to-day operation of the register. • Proposing court rule changes, which are made by courts and the process takes around 12 months. • Recruiting individuals onto the register. <p>It is expected this work will take two to three years. We said this publicly to the Equalities, Human Rights and Civil Justice Committee at the meeting you attended on 24 June 2025 on unimplemented legislation (see columns 24 and 25 of the Official Report).</p> <p>Also that implementation would need to be in the next parliamentary session. Therefore, it would be for the next Administration to decide the priority of this work.</p> <p>These tasks above would need to be undertaken sequentially – starting with the regulations, so that when we’re specifying the contract the requirements for reporters are in place.</p> <p><u>Budget considerations</u></p>

	<p>There are also financial pressures. It is estimated that it will cost around £5 million a year to run the register, as outlined in the Financial Memorandum for the Children (Scotland) Bill.</p> <p>The work would be phased, which would initially spread the costs across 2 to 3 financial years, meaning the full costs wouldn't fall right away. The main costs will be in funding the contract for the operation of the register and paying child welfare reporters.</p> <p>Currently child welfare reports are paid for either through legal aid or by parties privately – a key aim of the register is to fund all reports centrally from SG.</p> <p>For example, we anticipate minimal costs in year 1; up to £2 million in year 2 (awarding the contract); and up to £5m in year 3 and subsequent years once the register is fully operational (contract plus paying reporters).</p> <p>A similar contract operates for Safeguarders in the Children's Hearings system, which we can draw from. [Redacted -S.38(1)(b) – personal third party data]</p> <p>has an interest, given the contract is operated by Children First.</p> <p>The future and ongoing costs would be met from the Family Law Policy Unit budget, [Redacted - S.30(b)(i) – free and frank provision of advice]. The budgets for 2026-27 are not yet set. The Scottish Budget for 2026-27 is due in December 2025.</p> <p>[Redacted – Not in Scope]</p>
<p>Key message(s)</p>	<ul style="list-style-type: none"> • <i>The knowledge and experience you've brought to the Working Group is invaluable, and we really appreciate your input.</i> • <i>We remain committed to implementing the register of child welfare reporters, but it will need to be phased and subject to available resources.</i> • <i>Implementation will be in the next parliamentary session, therefore it will be for the next Administration to prioritise.</i> • <i>Budgets have not been set for 2026/27 – we need to be mindful of wider fiscal pressures.</i>
<p>Suggested question(s) or speaking notes</p>	<ul style="list-style-type: none"> • What are your main concerns? • What are the key outcomes that you see for the register? • Are there improvements you think we need to look at ahead of the register? • Implementation will be in the next parliamentary session, so the next Administration will ultimately decide what to prioritise. • Budgets have not been set for next year or coming years, but we hope a phased approach will help manage costs.
<p>Contact point</p>	<p>[Redacted -S.38(1)(b) – personal third party data]</p>

ITEM 3	Future direction of the Working Group
Issue/ background	<p data-bbox="488 259 660 293"><u>Background</u></p> <ol data-bbox="536 331 1522 958" style="list-style-type: none"> 1. The working group was established in October 2024. The terms of reference and membership are set out in full in Annex B, the group's main remit is twofold: <ul data-bbox="632 443 1522 629" style="list-style-type: none"> • To consider the work that needs to be done to implement the register of child welfare reporters under the Children (Scotland) Act 2020. • To consider other changes that could be made to improve the current child welfare reporter system. 2. You chaired the first meeting of the Working Group on 20 November 2024. To date there have been three further meetings, chaired by officials. These took place on 27 March, 29 May and 12 August 2025. There is no date yet for a further meeting. 3. We have created a page on the SG website and are in the process of arranging for minutes and other materials to be published on that page. <p data-bbox="488 999 695 1032"><u>Current issues</u></p> <ol data-bbox="536 1070 1522 1581" style="list-style-type: none"> 4. The remit of the Group was to look back at the effectiveness of earlier changes (e.g. new court rules on the court's remit, published instructions for reporters - including timings for reporters to be provided - and guides for adults and children) and consider if any improvements could be made now, ahead of the register being established. The other strand was to look ahead to what is needed for implementing the register. 5. [Redacted - S.30(b)(i) – free and frank provision of advice] 6. At the last meeting of the group on 12 August, [Redacted - S.38(1)(b) – personal third party data] noted the intention to write to Scottish Ministers to seek assurances on their commitment to the purpose of the Working Group. <p data-bbox="488 1621 1078 1655"><u>Outstanding actions from the last meeting</u></p> <p data-bbox="488 1693 624 1727"><i>Workplan</i></p> <ol data-bbox="536 1765 1522 2018" style="list-style-type: none"> 7. The Scottish Government took an action to prepare a workplan setting out specifically what the Group will do going forward (e.g. structure and timescales) and what is envisaged by Scottish Ministers on what the new register is designed to achieve. 8. [Redacted -S.38(1)(b) – personal third party data]gave some suggestions on for the workplan: (1) Specification - basic

	<p>parameters and outcomes for new system; (2) Development – of a "blueprint" of new system, (3) Review - of the "blueprint".</p> <p>9. [Redacted -S.38(1)(b) – personal third party data] also suggested that the Working Group could be used for advice and guidance during development of the blueprint and also for interrogating the specifics of it at the Review stage. This work has yet to be taken forward.</p> <p><i>Logic Model paper</i></p> <p>10. The Scottish Government took a further action to produce a logic modelling paper for circulation to the Group for comments. A discussion paper on outcomes was presented to the Group at the last meeting, and following discussion, it was agreed that a short, high-level paper should be produced setting out what we want to achieve and outcomes we're aiming for.</p> <p><i>Training paper</i></p> <p>11. It was also noted at the last meeting that the Group needs to decide on what the outcomes should look like for child welfare reporter training - agreeing that the best outcomes for children should be the priority.</p> <p>12. Another paper was suggested for the next meeting, which would cover the qualifications, experience and training individuals would need to be on the new register of child welfare reporters.</p> <p><u>Option for future direction</u></p> <p>13. [Redacted - S.30(b)(i) – free and frank provision of advice]</p>
Key message(s)	<ul style="list-style-type: none"> • We need to consider how the Group is formulated to best utilise everyone's time and expertise. • I want to ensure this group of stakeholders remains involved in this work, but that effective progress is made.
Suggested question(s) or speaking notes	<ul style="list-style-type: none"> • How do you think this group should be shaped going forward? • Do you think there is merit in changing the group into a reference group?
Contact point	[Redacted -S.38(1)(b) – personal third party data]

ADDITIONAL BACKGROUND INFORMATION

[Redacted – Not in Scope]

Child Welfare Reporter Working Group: terms of reference

1. The Group was established in October 2024 to consider the work that needs to be done to implement the register of child welfare reporters under the Children (Scotland) Act 2020 (which modifies the Children (Scotland) Act 1995). The register will help to ensure that child welfare reporters are suitably skilled and trained and that quality and practice is consistent across Scotland. The Group will also consider other changes that could be made to improve the child welfare reporter system.

Terms of Reference

To assess practice since the changes recommended by the previous working group, including:

- uptake and use of the instructions to reporters and guides published by the Scottish Government
- changes made to court rules, including whether reports are made available to the court by the deadline of three clear days
- any issues faced by new applicants to being added to the list and appointed in individual cases

To consider the future regulation of child welfare reporters under the Children (Scotland) Act 1995, including:

- the experience and qualifications required
- the provision of training, including who might provide it, whether some training should be mandatory, and how much training reporters should undertake
- fees

To make recommendations to the Scottish Government.

Documents relating to the group will be owned by the Scottish Government and stored in the Scottish Government's Electronic Record and Document Management system. Any communications or media will be the responsibility of the Scottish Government.

The Scottish Government will publish papers and minutes from the group on its website.

Working Group members

2. The working group is made up of representatives from the following organisations:

- Abused Men in Scotland
- Children First
- Faculty of Advocates
- Family Law Association
- Grandparents Apart UK
- Judicial Institute
- Law Society of Scotland
- Relationships Scotland
- Scottish Child Law Centre
- Scottish Courts and Tribunals Service
- Scottish Government
- Scottish Legal Aid Board
- Scottish Legal Complaints Commission
- Scottish Women's Aid
- Scottish Women's Rights Centre
- Secretariat of Scottish Civil Justice Council
- Shared Parenting Scotland
- Social Work Scotland

[Redacted – Not in Scope]

ANNEX C

Copy of the correspondence leading to this meeting

Dear Ms Don-Innes and Ms Brown,

Earlier this year Scottish Government officials convened a Working Group on Child Welfare Reporters, of which I am pleased, on behalf of Social Work Scotland, to be part. The group is designed to assist officials with progressing changes to the management and oversight of court appointed Child Welfare Reporters, as set out in the Children (Scotland) Act 2020. The legislative changes five years ago were in response to widespread, longstanding concerns about the quality of some Child Welfare Reports, and relatedly, of the skills and experience of some Child Welfare Reporters. And the impact this was having on children and families, particularly in relation to contact decisions being made by courts.

The concerns which drove the change in the law are now even more acute. The establishment of the Working Group is a welcome step, but after a few meetings and discussion, I am concerned that officials may not have the necessary resources to progress the work effectively. I know a number of other members of the group feel similarly, and I have included them in the cc to this email. Meaningful progress on the reform of Child Welfare Reporters, in line with the policy intent set out in 2020, is a priority for all of us, and we share a concern that without a restatement of the need for urgent change, things may continue to drift.

I would be very grateful for an opportunity to discuss this matter with you both. If a meeting is possible, I believe others I have cc'd in may wish join too, to articulate their own concerns and hopes around this agenda. I have addressed this to you both as the subject sits across portfolios, being both a family law matter and to do with

child welfare and protection, however I appreciate that diary coordination may make a joint meeting difficult.

Thanking for you giving this request your consideration. I look forward to hearing from you in due course.

[Redacted – Not in Scope]

ANNEX D

Minister for Victims and Community Safety

1. CHILD WELFARE REPORTERS
2. FORMATION OF WORKING GROUP AND PUBLIC PETITION PE2069

3. Priority and Purpose

1. Routine. **[Redacted – Out of Scope]** To ask you to:

- agree to the formation of a short lived working group on child welfare reporters. More information on this is at **Annex A**.
- agree to chair the group's first meeting

[Redacted – Out of Scope]

4. Recommendation

2. We recommend that you note and agree the proposal to create the working group, agree to chair the first meeting, note the petition, and issue the draft reply.

5. Context and Issues

Formation of working group

3. **[Redacted – Out of Scope]**

4. **[Redacted – Out of Scope]**

5. The longer term plan is to require all child welfare reporters to be registered to carry out that role. Scottish Ministers would then regulate matters such as the experience, qualifications and training of reporters.

6. We made provision for this in the Children (Scotland) Act 2020 and held a public consultation to assist development of the policy. Budgetary constraints mean we have not been able to progress this piece of work.

7. We propose that the group's purpose would be twofold. First, it would assess practice since the changes recommended by the previous working group. Second – and connected to the first – it would serve to inform the development of the policy when we come to regulate child welfare reporters.

8. The group would be chaired by the Scottish Government. You indicated orally at a meeting with officials on 2 November 2023 that you would consider chairing the first meeting of the working group. Officials would chair the second and any further meetings.

9. We suggest that the group should meet three or four times over the course of around 12 months.

10. Anything said in meetings of the group would be confidential, but we intend to agree and publish minutes of meetings on the Scottish Government website. This

could perhaps include an annex to the final minutes setting out the group's recommendations.

11. **Annex A** contains the proposed membership of the group and draft terms of reference.

12. If you want more background information on child welfare reporters we can provide that separately.

[Redacted – Out of Scope]

6. **Options Considered and Advice**

7.

[Redacted - S.30(b)(i) – free and frank provision of advice]

[Redacted – Out of Scope]

[Redacted - S.30(b)(i) – free and frank provision of advice]

8. **Sensitivities**

[Redacted - S.30(b)(i) – free and frank provision of advice]

[Redacted – Out of Scope]

9. **Quality Assurance**

13. This Submission has been approved by Denise Swanson, Deputy Director, Civil Law and Legal System.

10. **Conclusions and next Steps**

14. I recommend that you:

- agree to the formation of a short lived working group on child welfare reporters
- agree to chair the group's first meeting

[Redacted – Out of Scope]

[Redacted -S.38(1)(b) – personal third party data]

Justice: Civil Law and Legal System

11. [Redacted – Out of Scope]

Membership of the working group

1. We propose to invite representatives of the following organisations to join the working group. These are organisations are: key delivery bodies in the family justice system, bodies representing legal family law practitioners and social workers, and support services for children and families.

- British Association of Social Workers
- Children 1st
- Children & Young People's Commissioner Scotland
- CLAN Childlaw
- COSLA
- Faculty of Advocates
- Family Law Association
- Grandparents Apart UK
- Law Society of Scotland
- Lord President's Private Office
- Relationships Scotland
- Promoting Positive Contact
- Scottish Association of Social Work
- Scottish Child Law Centre
- Scottish Courts and Tribunals Service
- Scottish Legal Aid Board
- Scottish Women's Aid
- Shared Parenting Scotland
- Social Work Scotland
- Society of Local Authority Lawyers & Administrators in Scotland

2. We also propose to ask whether a member of the judiciary with experience of family cases would wish to join the working group.

3. Members of the group will not be remunerated.

4. We will also ask relevant policy officials from the Scottish Government to attend including officials from the Office of the Chief Social Work Adviser.

Remit of the working group

5. Assessing practice since the changes recommended by the previous working group will help inform any changes needed to current practice. It will also alert us to issues we may need to consider when regulating child welfare reporters under the Children (Scotland) Act 2020.

6. We will also seek views from the working group on the policy on regulation. This will give the members of the group the opportunity to influence policy and also to hear and reflect on the views of other organisations.

7. Our proposed draft remit is below. We will ask the group to agree its remit at the first meeting.

8. We will also highlight the importance of the Civil Service Code and SG standards of behaviour between members of the group and officials, and what processes will be followed if relationships break down.

Draft remit

To assess practice since the changes recommended by the previous working group, including:

- uptake and use of the instructions to reporters and guides published by the Scottish Government
- whether reports are made available to the court by deadline of three clear days in the court rules
- who is paying for the child welfare report, and what reasons courts give when departing from the rule that the costs be split equally
- any issues faced by new applicants to being added to the list and appointed in individual cases.

To consider the future regulation of child welfare reporters under the Children (Scotland) Act 1995, including:

- the experience and qualifications required
- the provision of training, including who might provide it, whether some training should be mandatory, and how much training reporters should undertake
- fees.

To make recommendations to the Scottish Government.

Documents relating to the group will be owned by the Scottish Government and stored in the electronic Record and Document Management system. Any communications or media will be the responsibility of the Scottish Government.

CHILD WELFARE REPORTERS

[Redacted – Out of Scope]

[Redacted – Out of Scope]

[Redacted – Out of Scope]

ANNEX B

MINISTER FOR VICTIMS AND COMMUNITY SAFETY

MEETING WITH **WORKING GROUP ON CHILD WELFARE REPORTERS**

What	<i>To chair the first meeting of the Working Group on Child Welfare Reporters</i>
When	<i>Wednesday 20 November 2024 - 9.30 to 11.30.</i>
Where	[Redacted – Out of Scope]
Who	<i>A list of group members is included in Annex A.</i> [Redacted – Out of Scope]
Why	<i>The Children (Scotland) Act 2020 provides for the establishment of a register of child welfare reporters (who may be appointed by the court in contact and residence cases) to help improve the quality and consistency of reports.</i> <i>Implementation has been delayed due to resource pressures. It is estimated that it will cost around £5 million a year to run the new register.</i> <i>The working group is intended to help inform policy development in advance of the new register. It will also assess current practice relating to child welfare reporters since the changes recommended by a previous working group in 2015.</i>
Key messages	<ul style="list-style-type: none">• <i>Grateful to everyone for agreeing to be members of the group</i>• <i>Appreciate the valuable input, knowledge and experience that members will bring</i>• <i>We will be in listening mode for this first discussion</i>
Official support	[Redacted -S.38(1)(b) – personal third party data] [Redacted -S.38(1)(b) – personal third party data]
Agenda	<ol style="list-style-type: none">1. <i>Welcome and introductions.</i>2. <i>Short statement by the Chair, Siobhian Brown MSP, Minister for Victims and Community Safety.</i>3. <i>Open discussion: What are the key priorities for members in relation to this work?</i>4. <i>AOB.</i>5. <i>Thanks and close.</i>
Main objective	<i>The main objective of this first meeting of the working group is for the Minister to set the scene and facilitate a high level discussion of what members see as the key issues and priorities.</i> <i>The subsequent working group meetings will cover specific areas in more detail. Subsequent meetings will be chaired by officials.</i>

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ITEM 1	[Redacted – Out of Scope]
Issue/ background	[Redacted – Out of Scope]
Key message(s)	[Redacted – Out of Scope]
Suggested question(s) or speaking notes	[Redacted – Out of Scope]
Contact point	<i>[Redacted -S.38(1)(b) – personal third party data]</i>

ITEM 2	Short statement from Chair. [A draft of the suggested opening statement by the Minister is at Annex D]
Issue/ background	<p>[Redacted – Out of Scope]</p> <p>The main purpose of the working group is twofold. Firstly, to assess practice since the changes recommended by the previous working group were put in place. This includes:</p> <ul style="list-style-type: none"> • the uptake and use of the instructions to reporters and guides published by the Scottish Government at that time. • the changes made to court rules, including whether reports are made available to the court by the deadline of three clear days. • and any issues faced by new applicants in being added to the existing lists of reporters and appointed in individual cases. <p>The second aim is to inform the development of the policy when we come to regulate child welfare reporters.</p> <p>The Children (Scotland) Act 2020 provides for the establishment of a register of child welfare reporters. Implementation has been delayed due to resource pressures and the working group is intended to help inform policy development in advance of the register being established.</p> <p>Annex A contains some background information on formation of the working group; outputs from the previous working group; and the regulation of child welfare reporters.</p>
Key message(s)	<ul style="list-style-type: none"> • <i>We're aiming to identify any issues or concerns with the current system.</i> • <i>We also want discuss what is needed in advance of the new register of child welfare reporters.</i>
Suggested question(s) or speaking notes	The statement from the Chair is set out in Annex D .
Contact point	[Redacted -S.38(1)(b) – personal third party data]

ITEM 3	Open discussion
Issue/ background	<p>We want to keep this first meeting fairly high level. This central agenda item will be to ask members to outline their key priorities in terms of the work relating to child welfare reporters.</p> <p>We hope this will generate some useful initial discussion and help inform us on the main issues going forward.</p> <p>[Redacted – Out of Scope]</p>
Key message(s)	<ul style="list-style-type: none"> • <i>We want to assess practice since the changes recommended by the previous working group were brought in.</i> • <i>We hope to inform the development of policy when we come to regulate child welfare reporters.</i>
Suggested question(s) or speaking notes	<ul style="list-style-type: none"> • What are the key priorities in your area in terms of this work? • How do you think the current system is working? • What improvements do you think we need to focus on? • Are there specific issues that we should be trying to address in advance of the new register?
Contact point	[Redacted -S.38(1)(b) – personal third party data]

ITEM 4 & 5	4. A.O.B. 5. Thanks and close
Issue/ background	<p>[Redacted – Out of Scope] Next steps will be to circulate draft minutes of the meeting to be agreed at the next meeting. We will also confirm the date and time of next meeting, which we expect to be late January.</p> <p>Officials will prepare an agenda for the second meeting, which will include as an item asking members to agree the terms of reference.</p> <p>Officials will chair the next and subsequent meetings. We will keep you updated as the working group progresses.</p>
Key message(s)	<ul style="list-style-type: none"> • <i>To thank attendees for their time and valuable input.</i> • <i>Set out next steps.</i>
Suggested question(s) or speaking notes	<p><i>“Thank you for your time today, it has been a very interesting discussion.</i></p> <p><i>The knowledge and experience you have brought is invaluable, and we really appreciate your input.</i></p> <p><i>We’ll prepare draft minutes of today’s meeting and will circulate these in draft for members to approve at the next meeting.</i></p> <p><i>We expect the next meeting to be towards the end of January and will be back in touch soon to confirm.”</i></p>
Contact point	[Redacted -S.38(1)(b) – personal third party data]

ADDITIONAL BACKGROUND INFORMATION

Formation of working group

[Redacted – Out of Scope]

1. The longer-term plan is to require all child welfare reporters to be registered to carry out that role. Scottish Ministers would then regulate matters such as the experience, qualifications and training of reporters.
2. We made provision for this in the Children (Scotland) Act 2020 (the 2020 Act) and held a public consultation in 2021 to assist development of the policy for implementation. However, budgetary constraints mean we have not been able to progress work on the new register.
3. We propose that the group's purpose would be twofold. First, it would assess practice since the changes recommended by the previous working group. Second – and connected to the first – it would serve to inform the development of the policy when we come to regulate child welfare reporters.
4. The group would be chaired by the Scottish Government. You agreed to chair the first meeting of the working group on 20 November. Officials will chair the subsequent meetings. We intend for the group to meet three or four times over the course of around 12 months. The next meeting is likely to be towards the end of January 2025.
5. Anything said in meetings of the group would be confidential, but we intend to agree and publish minutes of meetings (under 'Chatham House rules'), and the Terms of Reference, on the Scottish Government website. Any final recommendations from the group would also be published.
6. **Annex B** contains the draft terms of reference. We intend to ask the group to consider and agree the terms of reference at the second meeting.

Proposed work of the group

7. The intended work for the working group is:
 - Key priorities from members
 - Evaluating the outcomes of the previous working group
 - Policy on regulation under the Children (Scotland) Act 2020
 - Discussion of changes we could make now and before regulating
 - Recommendations to the Scottish Ministers (potentially followed by a draft final report which we could work on by correspondence)
8. We've invited representatives from a range of organisations, including key delivery bodies in the family justice system, bodies representing legal family law practitioners and social workers, and support services for children and families.

The organisations below have confirmed that a representative will join the working group:

- Abused Men in Scotland – **[Redacted -S.38(1)(b) – personal third party data]**
- Children 1st - **[Redacted -S.38(1)(b) – personal third party data]**
- Faculty of Advocates – individual TBC
- Family Law Association – **[Redacted -S.38(1)(b) – personal third party data]**
- Grandparents Apart UK – **[Redacted -S.38(1)(b) – personal third party data]**
- Law Society of Scotland – **[Redacted -S.38(1)(b) – personal third party data]**
- Relationships Scotland – **[Redacted -S.38(1)(b) – personal third party data]**
- Scottish Child Law Centre – **[Redacted -S.38(1)(b) – personal third party data]**
- Scottish Courts and Tribunals Service – **[Redacted -S.38(1)(b) – personal third party data]**
- Scottish Legal Aid Board – **[Redacted -S.38(1)(b) – personal third party data]**
- Scottish Legal Complaints Commission – **[Redacted -S.38(1)(b) – personal third party data]**
- Scottish Women's Aid – **[Redacted -S.38(1)(b) – personal third party data]** (part of the time)/ **[Redacted -S.38(1)(b) – personal third party data]**
- Scottish Women's Rights Centre – **[Redacted -S.38(1)(b) – personal third party data]**
- Shared Parenting Scotland – **[Redacted -S.38(1)(b) – personal third party data]**

9. The following organisations were also invited, but have not yet responded:

- Children & Young People's Commissioner Scotland
- COSLA
- Judicial Institute
- Scottish Association of Social Work
- Secretariat of Scottish Civil Justice Council
- Social Work Scotland
- Society of Local Authority Lawyers & Administrators in Scotland

10. We will advise you of any further additions to the attendee list in advance of the meeting. CLAN Childlaw have confirmed that they will be unable to take part in the working group.

11. We hoped that a member of the judiciary would be able to join the working group. However, this has not been possible. We will keep the Lord President's Private Office updated as the working group progresses.

12. We have also invited officials from other relevant policy areas in the Scottish Government, including officials from Justice Analytical Services and the Office of the Chief Social Work Adviser.

Child welfare reporter regulation

[Redacted – Out of Scope]

13. The Children (Scotland) Act 2020 (the 2020 Act) provides for the establishment of a register of child welfare reporters¹. This is a key part of the 2020 Act. The policy aims of the new register are to address concerns around the quality and consistency of child welfare reports, by ensuring reporters are properly skilled and trained in key areas (e.g. understanding domestic abuse; communicating with children; child development; and understanding the ways adults can influence a child).
14. The 2020 Act also gives child welfare reporters additional functions and responsibilities (e.g. obtaining the views of younger children, explaining decisions to the child, and investigating non-compliance with court orders).
15. Implementation of the new register has been delayed due to resource pressures. It is estimated that setting up and running the register will cost around £5 million a year. We don't envisage being in a position to implement the new register until such time as budgets allow.
16. However, we hope that convening a working group on child welfare reporters, to look at how the system is working now and consider what improvements may be needed, will help develop our policy in advance of the new register.

¹ [Redacted – Out of Scope]

DRAFT TERMS OF REFERENCE

To assess practice since the changes recommended by the previous working group, including:

- uptake and use of the instructions to reporters and guides published by the Scottish Government
- changes made to court rules, including whether reports are made available to the court by the deadline of three clear days.
- any issues faced by new applicants to being added to the list and appointed in individual cases.

To consider the future regulation of child welfare reporters under the Children (Scotland) Act 1995, including:

- the experience and qualifications required
- the provision of training, including who might provide it, whether some training should be mandatory, and how much training reporters should undertake
- fees.

To make recommendations to the Scottish Government.

Documents relating to the group will be owned by the Scottish Government and stored in the Scottish Government's Electronic Record and Document Management system. Any communications or media will be the responsibility of the Scottish Government.

The Scottish Government will publish papers and minutes from the group on its website.

Working Group Invitation

“Dear colleague

WORKING GROUP ON CHILD WELFARE REPORTERS

The Scottish Government is setting up a short-life working group on child welfare reporters (CWRs). This follows a previous working group on CWRs that met around 2015.

We are setting up this group to make recommendations on CWRs to the Scottish Ministers in advance of the regulation of CWRs under the Children (Scotland) Act 2020, which has been delayed due to budgetary pressures.

We will ask the group to:

- evaluate the changes made by the previous working group on CWRs
- contribute to the development of policy on regulation under the Children (Scotland) Act 2020
- identify any changes we could make now, before the regulatory scheme is in place.

[Redacted – Out of Scope]

Chair's statement

"Thank you for your introductions. Again, I'm very grateful to you for giving your time this morning.

I'd just like to say a few words before we get into the discussions.

As some of you may remember, there was a previous Bar Reporters Working Group between 2013 and 2015.

I know that my officials [Redacted -S.38(1)(b) – personal third party data] and [Redacted -S.38(1)(b) – personal third party data] were involved in that work, and I believe some of you were involved too.

There were a number of outputs from that working group, including:

- changes to court rules;
- a published guide to the child welfare report; and
- instructions for child welfare reporters.

Following this, the Children (Scotland) Act 2020 provided for the establishment of a register of child welfare reporters. One of the key policy aims for the register is to address concerns around the quality and consistency of child welfare reports, by ensuring reporters are properly skilled and trained in key areas.

Once the new register is in place, Scottish Ministers will regulate matters such as the experience, qualifications and training of reporters. And there will be a requirement for all reporters to be registered in order to carry out that role.

As you know, we're not currently in a position to set up the new register due to pressure on resources. We estimate that it will cost £5 million a year to run and it is a significant piece of work.

However, we remain committed to the 2020 Act and see the regulation of child welfare reporters as a priority area – not least because there are links to a number of other provisions in the Act.

We consulted in 2021 on aspects of implementation of the register. And we hope that setting up this working group will help inform further policy development, in advance of the register being established.

The main remit of this working group is:

- to consider whether the changes made following the previous working group have worked in practice;
- to look forward to the new register and the policy development around it; and
- to consider if there is anything else we should be doing before the register is in place.

We've kept the agenda for today fairly short. We see this first meeting as a chance to hear from you on what your key priorities are in this area.

We can then discuss specific areas in more detail in the following meetings. These are outlined in the draft Terms of Reference, which will be a topic for discussion at the next meeting.

This will be a short-life working group. We intend to hold three or four meetings over the next 12 months.

The main output of the group will be to make recommendations to Scottish Ministers and produce a final report.

Anything said in group meetings will be confidential, but we intend to publish the minutes of the meetings, once approved by members.

We will also publish the Terms of Reference and the final report.

[Redacted – Out of Scope]

Minute of Ministerial Meeting
Minister for Victims and Community Safety – Members of Working Group on
Child Welfare Reporters

Wednesday 18 November 2025, 15:30 to 16:30

Room TG.22, Scottish Parliament

Attendees

Members of the Working Group on Child Welfare Reporters:

- **[Redacted -S.38(1)(b) – personal third party data]**, Social Work Scotland
- **[Redacted -S.38(1)(b) – personal third party data]**, Scottish Women’s Aid
- **[Redacted -S.38(1)(b) – personal third party data]**, Shared Parenting Scotland
- **[Redact -S.38(1)(b) – personal third party data]**, Children First

Scottish Government:

- Siobhian Brown MSP, Minister for Victims and Community Safety
- **[Redacted -S.38(1)(b) – personal third party data]**, Family Law Policy Unit
- **[Redacted -S.38(1)(b) – personal third party data]**, Family Law Policy Unit
- **[Redacted -S.38(1)(b) – personal third party data]**, Assistant Private Secretary, Minister for Victims and Community Safety

Apologies:

- None

Matters Discussed

1. The Minister welcomed everyone to the meeting and introductions were made.
2. The Minister thanked the Working Group members for their letter which raised their concerns on: the delay in implementing the register of child welfare reporters; the Scottish Government’s resourcing of this implementation work; and the lack of progress being made by the Working Group.

Progress with implementation

3. The Minister emphasised the importance of the implementation work and asked members to share further detail on their concerns. In discussion the following key points were raised:

- the lack of progress with the register and frustration with those delays. A key impact of the delay was that the existing issues with child welfare reporters remained. Members were keen to see a resolution which focused on removing barriers, learning, and an outcomes focus for children.
- concerns with insufficient Scottish Government staffing and budget resources being allocated to this work. This at times suggested a lack of good faith and commitment to progress this work and there was a clear request for this to be improved.
- The supervision, oversight and improvements in quality which implementation would bring were overdue and essential.

4. In response the Minister advised that the work was balanced against existing pressures and priorities within the portfolio which had affected capacity in this case. She said that officials should now be in a position to begin to prioritise this work over the next six months. Officials had advised her that that the implementation of the register was likely to take 2 to 3 years, and cost around £5 million a year to run.

Future direction of the Working Group

5. The Minister asked members for more information on the issues they were experiencing with the Working Group and members advised that:

- It was essential to have an assessment and plan of what was required to deliver the register, including infrastructure, budget, resourcing and timescales. This work and the steps to full implementation would require to be phased.

- Since the 2020 Act was passed, figures from the Scottish Legal Aid Board showed that to 2023/24 they had funded over 5,000 child welfare reporters under the existing system, which was the system the Act had sought to improve. There had also been an increase in the number of reports.
- It was unclear how the policy aim of having more reporters from other professions (i.e. non-lawyers) would be achieved.

[Redacted - S.30(b)(ii) – free and frank exchange of views]

6. In discussion the following points were made:

- The Scottish Government had received complaints on the lack of implementation and more generally calls, including from the Equalities, Human Rights and Civil Justice Committee, around unimplemented legislation in this area and the Children (Scotland) Act 2020.
- The rights of children would be kept front and centre in the implementation work. Having the delivery plan in place would send a clear message to the sector that implementation was being progressed.
- Children First had an existing panel blueprint for the Safeguarder panel which they would share with officials.
- The creation of standards and a framework for reporters, including a curriculum for training, required further consideration and discussion and support could be expected for that.
- Officials advised that Justice Analytical Services colleagues were currently producing a logic model for the implementation and delivery work, which would be shared with members in advance of the next Working Group meeting for their consideration.
- It was highlighted that the Scottish Women’s Rights Centre continued to receive a number of calls around issues with reporters in cases involving domestic abuse.
- The work ongoing in relation to Domestic Abuse Homicide Reviews would be a helpful area for officials to consider as part of this work.

Future Direction

7. The Minister asked members about the suggestion received from officials to potentially reconstitute the Working Group to a Reference Group; the effect of which would be to retain the valuable expertise within the Working Group membership. Rather than convening full meetings to discuss drafts etc. the input of the Group could be sought by email, as and when required.

- Members advised that the Working Group was only ever intended to be short-life and the four meetings initially envisaged had already taken place. Members saw no issue with re-badging the Group, as long as they could continue to provide input to help to shape the work plan and drive implementation forward.
- It was suggested that a further meeting of the Group would be useful to look at the work plan once that was further developed. Officials proposed a meeting before the end of March 2026, and this would allow time for the work plan to be prepared and circulated ahead of that meeting.

8. The Minister thanked member for their time and for all of the points and issues raised and confirmed that she would give further consideration to all of these. In the first instance she would have a meeting with officials to discuss progress and implementation and asked officials to contact her office in this regard.

Actions

- It was agreed that:
 - (i) The Scottish Government would prepare a plan for implementation of the register of Child Welfare Reporters, which would be circulated to all members of the Working Group for input and development.
 - (ii) The Scottish Government would schedule a further meeting of the Working Group prior to the end of March 2026 to consider the draft plan and the future of the Group
 - (iii) Officials would make contact with the Minister's private office to arrange a meeting.

**Family Law Policy Unit
Civil Law and Legal System Division
Directorate for Justice
2 December 2025**

From: [Redacted -S.38(1)(b) – personal third party data]

Sent: 13 January 2022 16:22

To: [Redacted -S.38(1)(b) – personal third party data]@westlothian.gov.uk>

Cc: [Redacted -S.38(1)(b) – personal third party data]@gov.scot>

Subject: RE: Publication of consultation analysis reports: (1) registers of child welfare reporters, curators ad litem and solicitors appointed when individual prohibited from conducting own case, and (2) regulation of child contact services - [OFFICIAL]

Hi [Redacted -S.38(1)(b) – personal third party data],

[Redacted – out of scope].

We're continuing to work on implementing these parts of the 2020 Act, but [Redacted - S.30(b)(ii) – free and frank exchange of views]. This has meant that some of the implementation work, particularly in relation to the registers of child welfare reporters, is taking longer than we'd hoped.

The [Redacted – out of scope].

We hope to lay regulations in both areas later this year, but it is likely to be late 2023 at the earliest before either area becomes fully implemented. Bringing into force some of the other provisions in the 2020 Act, particularly in relation to the views of the child, will be dependent on the register of child welfare reporters being in place.

I hope this is helpful. We will keep you updated as work progresses.

Kind regards,

[Redacted -S.38(1)(b) – personal third party data]

[Redacted -S.38(1)(b) – personal third party data]

Family Law | Scottish Government | Civil Law and Legal System Division | St Andrew's House | Area GW15 | Regent Road | Edinburgh | EH1 3DG

From: [Redacted -S.38(1)(b) – personal third party data]@westlothian.gov.uk>

Sent: 13 January 2022 11:49

To: [Redacted -S.38(1)(b) – personal third party data]@gov.scot>

Subject: RE: Publication of consultation analysis reports: (1) registers of child welfare reporters, curators ad litem and solicitors appointed when individual prohibited from conducting own case, and (2) regulation of child contact services - [OFFICIAL]

[Redacted – out of scope]

Hello [Redacted -S.38(1)(b) – personal third party data]

[Redacted – out of scope]

Thank you so much for this info will take time to read over .

I wondered if there was any timescales on the implementation of the act known ?

Reason [Redacted - S.30(b)(ii) – free and frank exchange of views

Your email prompted me this morning to ask !

Many thanks

[Redacted -S.38(1)(b) – personal third party data]

From: **[Redacted -S.38(1)(b) – personal third party data]**@gov.scot <**[Redacted -S.38(1)(b) – personal third party data]**@gov.scot>

Sent: 13 January 2022 10:29

To: **[Redacted -S.38(1)(b) – personal third party data]**@gov.scot

Subject: Publication of consultation analysis reports: (1) registers of child welfare reporters, curators ad litem and solicitors appointed when individual prohibited from conducting own case, and (2) regulation of child contact services

Hi,

We would like to make you aware that the analysis of responses to two recent Scottish Government consultations in relation to the Children (Scotland) Act 2020 have been published:

Registers of child welfare reporters, curators ad litem and solicitors appointed when an individual is prohibited from conducting their own case: consultation analysis - gov.scot (www.gov.scot)

Regulation of child contact centre services consultation: analysis - gov.scot (www.gov.scot)

The analysis reports capture and summarise the responses to the consultations and identify key themes. The analysis will be used to help inform the policy development process in relation to implementation of these areas of the 2020 Act.

We would like to thank those who responded to these consultations.

Kind regards,

[Redacted -S.38(1)(b) – personal third party data]

[Redacted -S.38(1)(b) – personal third party data]

Family Law | Scottish Government | Civil Law and Legal System Division | St Andrew's House | Area GW15 | Regent Road | Edinburgh | EH1 3DG

[Redacted – out of scope]

From: [Redacted -S.38(1)(b) – personal third party data]

Sent: 04 October 2022 10:05

To: [Redacted -S.38(1)(b) – personal third party data]@parliament.scot>

Cc: [Redacted -S.38(1)(b) – personal third party data]@gov.scot>; [Redacted -S.38(1)(b) – personal third party data]@gov.scot>; [Redacted -S.38(1)(b) – personal third party data]@gov.scot>

Subject: RE: Children (Scotland) Act 2020 - implementation

Hi [Redacted -S.38(1)(b) – personal third party data],

Thank you for your recent email to [Redacted -S.38(1)(b) – personal third party data] on implementation of the Children (Scotland) Act 2020. In general terms, implementation has been somewhat delayed due to depleted numbers in our team over the last year. We are now back to a fuller complement and hopefully this means we should be able to make further progress. **However, all of the implementation work is subject to the challenging budgetary constraints that we are facing across the Scottish Government.**

We won't be ready to lay any secondary legislation in 2022, but we hope to be in a position to lay SSIs in the following areas in 2023:

- **Spring[Redacted – out of scope]**
- **Late 2023/early 2024** - new registers of child welfare reporters and curators *ad litem* (sections 9 and 17). Should the operation and management of the new registers be contracted out to a third party body, we will also need time to carry out a tendering exercise and for the successful body to gear up. This means it would be at least 2024 before the new system would be operational.

Implementation of a number of the other 2020 Act provisions is dependent on the new register of child welfare reporters. Once we have the new register, then we can be satisfied that those on it are experienced and trained to, for example, obtain the views of children. I've set out below where things are with the sections you've highlighted in your email in relation to the petition (and have covered section 31 too) and have done this in a way so that, if you wish, you could include directly in text as official SG lines.

[Redacted – out of scope]

Section 9: establishment of a register of child welfare reporters

Section 17: curators *ad litem*

- The focus of the Scottish Government at the moment is on the proposed regulation of child contact centres. Once SSIs are laid on that, which the Scottish Government hopes to do in the first half of 2023, the Scottish Government intends to turn to the registers of child welfare reporters and of curators *ad litem*. Should the operation and management of the new registers be contracted out to a third party body, the Scottish Government will also need time to carry out a tendering exercise and for the successful body to gear up. This means it would be at least 2024 before the new system would be operational.

[Redacted – out of scope]

I hope this is helpful, but please just let us know if you have any further questions.

Kind regards,

[Redacted -S.38(1)(b) – personal third party data]

[Redacted -S.38(1)(b) – personal third party data]

Family Law | Scottish Government | Civil Law and Legal System Division | St Andrew's House | Area GW15 | Regent Road | Edinburgh | EH1 3DG

From: **[Redacted -S.38(1)(b) – personal third party data]**@parliament.scot>

Sent: 28 September 2022 11:45

To: **[Redacted -S.38(1)(b) – personal third party data]**@gov.scot>

Subject: Children (Scotland) Act 2020 - implementation

Hi **[Redacted -S.38(1)(b) – personal third party data]**,

[Redacted – out of scope]

I thought it would be helpful to get an update on your progress with implementation of the 2020 Act, specifically the following sections: 1-3; 4-6, 8-10, 16-17, 18-22, 23-24 and 30-31. **[Redacted - S.30(b)(ii) – free and frank exchange of views]**

The second petition briefing I referred to yesterday (the one on domestic abuse) probably also would benefit from this update. In this context, I would be particularly interested in sections 1-3, 4-6, 8-10, 16-17, 18-22 and 30. Here something I could include directly in the text as official SG lines would be great.

All updates gratefully received.

Thanks as ever,

[Redacted -S.38(1)(b) – personal third party data]

The Scottish Parliament: Making a positive difference to the lives of the people of Scotland

Pàrlamaid na h-Alba: A' toirt deagh bhuaidh air beatha sluagh na h-Alba

[Redacted – out of scope]

From: [Redacted -S.38(1)(b) – personal third party data]
Sent: 04 October 2022 09:42
To: [Redacted -S.38(1)(b) – personal third party data]@lawscot.org.uk>
Cc: [Redacted -S.38(1)(b) – personal third party data]@gov.scot>; [Redacted -S.38(1)(b) – personal third party data]@gov.scot>; [Redacted -S.38(1)(b) – personal third party data]@gov.scot>
Subject: RE: Regulation of child welfare reporters, curators ad litem, solicitors

Dear [Redacted -S.38(1)(b) – personal third party data],

Thank you for your email and apologies for my delay in responding. I'm just catching-up after returning from leave.

Progress on implementation of the provisions on the new registers for child welfare reporters, curators ad litem and solicitors under the Children (Scotland) Act 2020, is unfortunately taking longer than initially expected. This is mainly due to depleted resource in our Unit during the course of this year. However, we are back to fuller capacity now, which should enable us to make further progress with this work.

We would hope to be in a position to lay secondary legislation in relation to the new registers of child welfare reporters and curators ad litem next year. However, should the operation and management of the new registers be contracted out to a third party body, we will also need time to carry out a tendering exercise and for the successful body to gear up. This means it could be 2024 before the new system would be fully operational.

[Redacted – out of scope]

We appreciate implementation is taking longer than initially anticipated, but we will keep you informed as work progresses. We should also note that all of the implementation work is subject to the challenging budgetary constraints that we are facing across the Scottish Government.

We would also be happy to meet to discuss any aspect of 2020 Act implementation if that would be helpful.

Kind regards,
[Redacted -S.38(1)(b) – personal third party data]

[Redacted -S.38(1)(b) – personal third party data]
Family Law | Scottish Government | Civil Law and Legal System Division | St Andrew's House | Area GW15 | Regent Road | Edinburgh | EH1 3DG

From: [Redacted -S.38(1)(b) – personal third party data]@lawscot.org.uk>
Sent: 14 September 2022 15:18
To: [Redacted -S.38(1)(b) – personal third party data]@gov.scot>
Subject: Regulation of child welfare reporters, curators ad litem, solicitors

Dear **[Redacted -S.38(1)(b) – personal third party data]**,

I am emailing to see how you are progressing with the reforms around the regulation of child welfare reporters, curators ad litem and solicitors under the Children (Scotland) Act 2020. We had seen the analysis of consultation responses earlier in the year, and were wondering what the next steps would be in implementing these reforms? If you had an update that we could share with our committees, that would be very helpful.

Many thanks,

[Redacted -S.38(1)(b) – personal third party data]

[Redacted – out of scope]

From: [Redacted -S.38(1)(b) – personal third party data]

Sent: 12 October 2022 11:49

To: [Redacted -S.38(1)(b) – personal third party data] (LIT)' [Redacted - S.38(1)(b) – personal third party data]@scotcourts.gov.uk>; [Redacted - S.38(1)(b) – personal third party data]@scotcourts.gov.uk>; [Redacted - S.38(1)(b) – personal third party data]@scotcourts.gov.uk>; [Redacted - S.38(1)(b) – personal third party data] (SCJC)' [Redacted -S.38(1)(b) – personal third party data]@scotcourts.gov.uk>

Cc: [Redacted -S.38(1)(b) – personal third party data]@gov.scot>; [Redacted - S.38(1)(b) – personal third party data]@gov.scot>; [Redacted -S.38(1)(b) – personal third party data]@gov.scot>

Subject: Children (Scotland) Act 2020 - implementation timings

Hi all,

As discussed a couple of times at recent meetings, I've pulled together some general timings on where we are with implementation of the Children (Scotland) Act 2020. **However**, as I'm sure you're aware, all the implementation work is subject to the challenging budgetary constraints that we're facing.

Areas currently being progressed

We hope to be in a position to lay SSIs in the following areas in **2023**:

- **Spring [Redacted – out of scope]**
- **Late 2023/early 2024** - new registers of child welfare reporters and curators ad litem. Should the operation and management of the new registers be contracted out to a third party body, we will also need time to carry out a tendering exercise and for the successful body to gear up. This means it would be at least 2024 before the new system would be operational.

Other provisions

[Redacted – out of scope]

Section 9: establishment of a register of child welfare reporters (see above)

- The focus at the moment is on the proposed regulation of child contact centres. Once SSIs are laid on that, which we hope to do in the first half of 2023, we intend to turn to the registers of child welfare reporters and of curators *ad litem*.
- As noted above, we would hope to be able to lay SSIs in late 2023/early 2024, meaning it would be at least 2024 before the new system would be operational.

[Redacted – out of scope]

I hope this is helpful, but please just let us know if you have any further questions.

Kind regards,

[Redacted -S.38(1)(b) – personal third party data]

[Redacted -S.38(1)(b) – personal third party data]

Family Law | Scottish Government | Civil Law and Legal System Division | St
Andrew's House | Area GW15 | Regent Road | Edinburgh | EH1 3DG

From: [Redacted -S.38(1)(b) – personal third party data]

Sent: 18 April 2023 07:04

To: [Redacted -S.38(1)(b) – personal third party data]@womensaid.scot>

Subject: RE: Implementation of the 2020 Act

[Redacted -S.38(1)(b) – personal third party data]

Hi. I'd be very happy to have a more detailed catch-up either in person or via teams to go through the details.

At the moment, we are focussing on the regulation of Child Contact Centres. We hope to be in a position to lay SSIs in this area later this year.

Once we have made progress on that, we will then turn to the register for Child Welfare Reporters. CWRs are crucial, as you know, for the implementation of the 2020 Act. Implementation here will take some time. We need to decide on the training and qualifications required to be on the register; to decide on the remuneration of CWRs; and to set up the register (probably by contracting out its day to day operation). In addition, there are costs here and at the moment we don't have the money in our budget.

As we discussed previously, we will look to see if there is anything we can usefully do in advance of establishing the register (eg refresh the instructions for reporters).

[Redacted – out of scope]

We plan to look soon at the 2020 Act to see if further provisions can be commenced sooner rather than later. Again, it would be helpful to discuss.

All the best.

[Redacted -S.38(1)(b) – personal third party data]

Family Law Policy

Scottish Government

[Redacted -S.38(1)(b) – personal third party data]

From: [Redacted -S.38(1)(b) – personal third party data]@womensaid.scot>

Sent: 17 April 2023 17:38

To: [Redacted -S.38(1)(b) – personal third party data]@gov.scot>

Subject: Implementation of the 2020 Act

Dear [Redacted -S.38(1)(b) – personal third party data],

[Redacted – out of scope]

I don't think there was a definite action or follow-up from last week's meeting in relation to the implementation of the 2020 Act, particularly around CWR, Curators, the victims and witnesses' provisions and child advocates so wondered whether you can give us more of an idea as to how this is progressing as I have just been asked, again, this very question by one of our local Women's Aid groups.

It would be useful to have a quick summary of what's happening and what's holding it back, apart from the previous Budget issues and wonder how far the resource issue has been resolved?

Look forward to hearing from you.

Best wishes,

[Redacted -S.38(1)(b) – personal third party data]

**[Redacted -S.38(1)(b) – personal third party data], Scottish Women's Aid
[Redacted -S.38(1)(b) – personal third party data]**

[Redacted – out of scope]

E: **[Redact -S.38(1)(b) – personal third party data]**@gov.scot

[Redact -S.38(1)(b) – personal third party data]

Scottish Civil Justice Council

[Redacted – out of scope]

10 March 2025

Dear **[Redacted -S.38(1)(b) – personal third party data]**

CHILDREN (SCOTLAND) ACT 2020: COMMENCEMENT PLANS

Introduction

1. This letter outlines our plans in relation to further commencement of the Children (Scotland) Act 2020 (the 2020 Act) and to seek views on consequential requirements for court rules.
2. I am copying this letter to Lord President's Private Office; to the Judicial Institute and to the Scottish Courts and Tribunals Service. It would be helpful to have thoughts from the SCTS on operational implications of commencement.

Register of child welfare reporters

3. There is, as you know, a considerable amount of work for the Scottish Government in relation to establishing the register of child welfare reporters. In particular, the Scottish Government needs to:
 - Let a contract for the day to day management of the register.
 - Lay down requirements for persons on the register.
 - Recruit persons onto the register.
4. In the meantime, we have re-established the child welfare reporters working group, to consider:
 - The impact of changes made previously.

- What more could be done before the register is put in place.
 - Any points the Scottish Government needs to consider when putting the register into place.
5. Once the working group has concluded (our plan is for the meetings to finish this year) and we have laid regulations to introduce the regulation of child contact centres, we will aim to start work to put the register in place.
 6. Not having the register in place means that other provisions in the 2020 Act which depend on the register cannot be commenced now.
 7. However, as outlined below, we do intend to commence provisions in the 2020 Act which relate to the voice of the child and do not depend on the register being in place.

[Redacted – out of scope]

Conclusion

8. I am copying this letter to **[Redacted -S.38(1)(b) – personal third party data]** (SCTS); **[Redacted -S.38(1)(b) – personal third party data]** (LPPO) and **[Redacted -S.38(1)(b) – personal third party data]** (JI).
9. I am very happy to discuss.

Yours sincerely

[Redacted -S.38(1)(b) – personal third party data]

From: [Redacted -S.38(1)(b) – personal third party data]@gov.scot>
Sent: 28 November 2024 17:31
To: [Redacted -S.38(1)(b) – personal third party data]@relationships-scotland.org.uk>
Cc: Family Law <family.law@gov.scot>; [Redacted -S.38(1)(b) – personal third party data]@gov.scot>; [Redacted -S.38(1)(b) – personal third party data]@gov.scot>; [Redacted -S.38(1)(b) – personal third party data]@gov.scot>
Subject: FW: Working Group on Child Welfare Reporters - Wed 20 November - agenda and MS Teams link

Hi [Redacted -S.38(1)(b) – personal third party data]

Thank you for your email following the recent working group and apologies for the delay in replying.

We're grateful to you for attending the meeting and for your useful input. We're preparing a note of the meeting, which we'll circulate to the group members in draft in due course.

We'll also be planning the agendas for the second and subsequent group meetings. We'll consider the queries and points you raise below as we scope out what in future we'd like the group to discuss.

In terms of your questions around competency frameworks, skills & experience, training, etc. the main driver for including provisions in the [Children \(Scotland\) Act 2020 \(legislation.gov.uk\)](#) for establishment of a new register of child welfare reporters is to try and address some of these gaps and inconsistencies. Currently each sheriff principal holds a list of child welfare reporters, and it's not clear what is in place in each sheriffdom in terms of eligibility, training, monitoring, complaints, etc. A key aim for the new register is to establish a centralised system which ensures reporters are suitably skilled and trained and that there is ongoing monitoring, including complaints and removal mechanisms, where necessary.

We did some thinking on this when we consulted in 2021: [Children \(Scotland\) Act 2020 - registers of child welfare reporters, curators ad litem and solicitors: consultation - gov.scot \(www.gov.scot\)](#). However, we hope that the working group will help us further develop our policies on all of this.

We welcome your offer for Relationships Scotland to support any developments with this work. I'd also be happy to attend one of your professional development group meetings with child contact managers in the new year. If you know dates coming up for those, let me know and we can take it from there.

We'll be back in touch with draft minutes from the first meeting, and with further details about the next meeting, soon.

Kind regards,

[Redacted -S.38(1)(b) – personal third party data]

[Redacted -S.38(1)(b) – personal third party data]

Family Law | Scottish Government | Civil Law and Legal System Division | St Andrew's House | Area GW15 | Regent Road | Edinburgh | EH1 3DG

From: [Redacted -S.38(1)(b) – personal third party data]@relationships-scotland.org.uk>

Sent: 21 November 2024 10:54

To: Family Law <family.law@gov.scot>

Cc: [Redacted -S.38(1)(b) – personal third party data]@gov.scot>; [Redacted -S.38(1)(b) – personal third party data]@gov.scot>; [Redacted -S.38(1)(b) – personal third party data]@gov.scot>

Subject: RE: Working Group on Child Welfare Reporters - Wed 20 November - agenda and MS Teams link

Hi [Redacted -S.38(1)(b) – personal third party data] ,

[Redacted – out of scope] I thought the first meeting of the working group was excellent with a lot of helpful points raised. Coming relatively new to this, I just wanted to check a couple of things and share some of my initial thoughts. Apologies in advance for asking so many questions and covering points that may already have been considered. I hope this may help with our thinking.

[Redacted - S.30(b)(ii) – free and frank exchange of views]

[Redacted – out of scope]