



**UNISON Scotland response:  
Children (Care, Care Experience  
& Services Planning) Bill:**

**Call for Views**

**August 2025**

**Introduction**

UNISON is the trade union for social work staff. As Scotland's largest trade union with more than 150,000 members across the public, private and voluntary sectors, our members work throughout children's services, and in all the areas important to the delivery of the Independent Care Review for children and young people, and its report 'The Promise'.

Our members are front-line workers in all areas of social work, all grades of staff, and all roles including social care workers, social work paraprofessionals (family support workers, social work assistants etc), occupational therapists and administrative staff as well as registered social workers.

In responding to this Call for Views from the Parliament's Education, Children & Young People Committee UNISON reiterates its support for implementing The Promise.

**What are your views on the aftercare provisions set out in the Bill?**

It is entirely just and fair that a child who has been in care but is returned home just before their 16<sup>th</sup> birthday is entitled to the same support as one who remains in care for their 16<sup>th</sup> birthday. However, in addressing one anomaly the bill potentially creates others. It means that a child who is in care for 2 weeks in infancy will be entitled to request an assessment for after care support, while one living on the edge of care throughout childhood (a child 'in need'), but considered below the threshold for social work intervention, is not eligible for the same type of support, although their need may be the same. Unless we address under resourcing across the whole system, we risk entrenching inequality.

While the case is clear on moral grounds, we are not convinced that the resource implications have been properly assessed. We have concerns that this creates potentially very great extra demands on local authorities which they are not resourced or staffed to meet. Unless expanded eligibility for after care support is properly funded then it either won't be possible to provide it, it won't be promoted to those who might benefit, or, if it is prioritised for promotion and provision within an inadequate budget, it will add to the pressure on and further erode children's services as a whole.

We are also uncertain whether there has been an assessment of the resource implications of extending to a larger group the wider entitlements which care leavers have, such as exemptions from council tax and support at college and university.

**What are your views on the corporate parenting provisions set out in the Bill?**

We have similar concerns about the potential impact on social work resources of extending corporate parenting duties to a wider group of young people and are not confident that the resource impact of this has been adequately assessed.

### **What are your views on the advocacy proposals set out in the Bill?**

It is difficult to comment on the proposals for lifelong access to independent advocacy when there is no information about the definition, the model of provision, and how what is proposed relates to the current model of advocacy within the Children's Hearings System or provided by local authority Children's Rights services. The experience of social work members is that advocacy work for care experienced young people is often focused on helping them exercise their rights by challenging gaps in provision in social work, education and other services, created by a lack of staff or inadequate investment. Unless this is addressed, we may simply be adding another layer of advocacy to support young people to compete for scarce resources.

### **Tackling profit in care**

#### **What are your views on proposals designed to limit profits for children's residential care services?**

#### **What are your views on proposals to require fostering services to be charities?**

We support the proposal to require IFAs to be registered charities. However, we are unhappy that the same approach is not being taken to residential childcare.

- Merely limiting *the extent* of profit extraction from residential care placements is not good enough. We should be setting out a timescale and a plan for **removing** profit from provision.
- The rationale for the different approaches being taken to foster care and residential care is contradictory.
- The bill does not deliver what was asked for by the ICR and the 5,000 children and young people who participated in it.
- It is clear from the proposed convoluted process for profit limitation in residential care that this holds out only the possibility of action, and is likely to be years away in terms of implementation.

The proposal to limit profit in residential care does not deliver what the ICR asked for:

*"The Promise is clear that there is no place for-profit in how Scotland cares for its children and that Scotland must avoid the monetisation of the care of children and prevent the marketisation of care by 2030." (Policy Memorandum, p19).*

We note that the ICR's call for action is "to prevent the marketisation of care by 2030". **The bill does nothing at all about this.** The commodification and monetisation of their care within a market was explicitly rejected by the children and young people who participated in the ICR.

However, rather than 'prevent' marketisation, the bill's proposal for residential care is about **maintaining** the market in placements for looked after children. The Policy Memorandum is clear that the profit limitation proposals are part of a wider plan to achieve the more efficient *operation* of a market in placements. (PM, p20). This entirely contradicts the ICR and the voices of looked after children and young people.

There is an alternative, one which respects the wishes of children and young people. This is the approach being taken in Wales through the Health and Social Care (Wales) Act 2024, which will remove profit from residential childcare by 2030 through requiring children's residential care providers to be registered charities or another specified not-for-profit entity', accompanied by local planning and national resources to redevelop local authority care capacity.

### **Contradictions in the bill's approach**

Contradictory arguments are given for choosing profit limitation over the removal of profit from residential care.

First, the case for the approach being taken to IFAs is made in terms of financial efficiency, with up to £10 million of public money being released to be spent on looked after children, rather than syphoned out of children's services as profit (FM p26). It argues that the longer term benefit of removing for-profit providers is "...a more financially sustainable, child-centred care system...with upfront investment offset by the redirection of recurring profits into services that benefit children, carers, and the wider public sector." (FM p26)

This principle is equally applicable to residential childcare (and indeed all social care services).

However, it is rejected in the bill's approach to residential care, where the government argues that because the average operating profit per child of £28,000 is lower than in England and Wales (average £44,000), there is no evidence to justify removing profit from residential care (based on the Competition & Markets Authority 2022 report). This is a specious argument. If the reasoning used for IFAs is applied, then this is £28,000 per child which was intended for that child, and which should be redirected into children's services. As Common Weal points out, to put this in perspective, "...£28k a year is four times the amount per child the Bill proposes to spend extending aftercare services to children who leave care before 16 *over their lifetimes!*" Common Weal estimates more than £10 million per year is extracted in total from placements in the private residential sector, "more than will be saved from closing the profit-taking loopholes in foster care."

The government's argument also contradicts the bill's guiding principles.

These state that all changes in the bill must be evidence-based, and the ICR provides the foundation of evidence for what is required informed by the voices of 5,000 young people (Policy Memorandum, p5). But the bill's profit limitation approach to residential care does not comply with the ICR, whose reports *Follow the Money* and *The Money*, state unequivocally: *"There is no place for profiting in how Scotland cares for its children. Regulatory bodies must scrutinise any presence of profit to ensure that funds are properly directed to the care and support of children."*

The ICR suite of reports did not say, "Regulatory bodies must take care that only 'acceptable' profit levels are made from the care and support of children." It is surprising given the context laid out in the bill documents, which evidence that over the past few years, for-profit providers have 'piled in' to take advantage of the opportunity to make money from cross-border placements of children and young people from England (FM pp20-21). Worryingly, it reveals that these placements are *unregulated*, because they are "not currently legally recognised in Scots law". This behaviour underlines why profit limitation is not the correct approach.

The second main reason given for rejecting profit removal from residential care is the potential risk to placement stability and sustainability of provision.

In the case of Independent Fostering Agencies (IFAs), the Policy Memorandum argues that any risks associated with IFAs failing to register as charities can be mitigated by strengthening local authority services supported by other contingency plans. But the government argues the opposite when it comes to residential care provision. Here the risks of market withdrawal and placement instability are asserted as too great should for-profit providers be required to register as charities. The option of strengthening local authority residential care capacity is not even mentioned in the Policy Memorandum, despite this being a core part of the approach in Wales, and there is no attempt to appraise this as an option.

The section of the Policy Memorandum on 'alternative approaches' consists of two paragraphs of assertions. It is important the Committee scrutinises whether any options appraisal and evidence base has underpinned the choices made. This is not evident from the bill documents.

Much has been made of the risks to placements in Wales from the exit of for-profit providers, particularly by the private care sector. It is important to recognise that, despite the real challenges of implementing such a change, the Welsh Government has managed to negotiate these and arguably in more challenging circumstances than exist in Scotland. It is confident of succeeding in eradicating profit from children's residential care and other children's services by 2030. What's worth noting is that it has done so:

- in the context of 87% of children's residential placements being in the private sector in Wales, compared with 35% in Scotland (CMA, 2022).
- with the full participation of for-profit providers, whose representatives sat on its Eliminating Profit Programme Board along with local authorities, third sector and trade unions.
- within a fairly short timescale, with the policy first appearing as a 2021 manifesto pledge, a Programme Board being established in 2022, legislation introduced in 2024 and passed in 2025, and key implementation milestones in place for 2026 and 2027.

## Way forward

UNISON's view of the way forward is to plan for and resource the creation and expansion of in-house local authority capacity as the Welsh Government is doing. Notably the transition period in Wales provides a context in which children's charities have space to plan future service delivery in a changed environment.

Scotland is more than capable of taking this path.

- It has a lower base of for-profit provision than Wales which means the upfront costs of transitioning to not for-profit provision are therefore much less.
- There is experience across Scotland of rebuilding direct public delivery of care either through taking over for-profit provision or investing in redeveloping inhouse capacity. There are numerous recent examples in adult social care where the exit of private care providers has been met with coordinated action by local authorities, NHS boards and IJBs, supported by national government, to bring residential care capacity in-house to maintain long term security and sustainability of care provision. A coordinated strategy, backed by resources, is also achievable in children's residential care. The current shortage of secure care placements in Scotland already necessitates this type of planning.

In addition to our own learning there is important learning from developments in Wales which the Committee will want to hear in its evidence sessions.

- Firstly, the resolve of the Welsh government to see through this aim appears to have been based on the wish of looked after children not to be profited from. Eradicating profit from the care of looked after children is a political commitment it made and which it has managed to see through.
- Second, it was based on persuasive ‘spend to save’ arguments for the public purse. Modelling showed significant upfront investment over several years would result in considerable recurrent annual savings for local authorities, with initial investment recouped. While upfront costs will be less in Scotland, the rationale is equally strong given the fiscal constraints.
- The Welsh Govt provided local authorities with additional finance to invest in planning and developing new capacity, even within the current financial pressures.
- It developed resources to guide the for-profit sector through the initial transition period, much as the Scottish Government is proposing in terms of the changes for IFAs.

**What are your views on the proposed changes to Children’s Services Planning set out in section 22 of the Bill?**

We do not support this proposal. Our view is that it is intended as a way of centralising control and accountability for children’s services, shifting it from local government to ministers. The effect of extending the statutory duty for Integrated Children’s Services Planning to IJBs will be to undermine the role of local authorities.

The remit of Children’s Services Planning is much wider than either social care or community health services. Most importantly it includes education services, the largest part of local government expenditure, although extending beyond these.

- IJBs have no locus in this wider landscape of children’s services.
- In most areas of the country they have either no locus or only a partial locus, in children’s community health and social care services.
- In 13 IJB areas *neither* children’s health or social care services are delegated to the IJB and in another 9 areas they are only partially delegated i.e. only children’s health or only children’s social care services (Celcis, 2023).
- Where they are delegated, the number and type of children’s services delegated to IJBs varies from area to area (Celcis, 2023).

An example which illustrates these points is Glasgow’s priority programme of work around Child Poverty and Whole Family Wellbeing. Glasgow is one of only ten areas which has ‘fully integrated’ children’s services within its Integration Scheme i.e. in which both children’s social care and children’s community health services are delegated to the IJB. However, the Programme Director post for Child Poverty and Whole Family Wellbeing has been created outwith the IJB, in acknowledgement that children’s services are not solely a social care issue. To do otherwise would have raised questions around remit and accountability for service delivery. This is also significant because of the Programme’s ‘no wrong door’ preventative approach to supporting parents within a system focused on the whole family, which it is achieving within current arrangements for children’s services planning i.e. without the need for the proposed ‘tripartite’ approach.

The rationale advanced for the proposed change is to support a holistic whole family approach which requires adult services with a child focus, and good integration between

adult and children's services. This is already well understood and has been repeatedly highlighted over the years. In terms of the rationale:

- The key to achieving these outcomes is at a local design, delivery and practice level.
- Integrated Children's Services Plans are high-level strategic documents that largely perform the function of upwards accountability to Scottish Ministers, demonstrating local conformity with national strategic and funding priorities.
- They are not a mechanism for improving local accountability to communities and their local needs and priorities, or for improving services, in the way the Policy Memorandum suggests.
- It is a misconception to think this can be achieved through the bureaucratic process of ICSPs or through changing the basis on which partners contribute to these.
- Given the intense pressures on IJBs (Audit Scotland, 2024, 2025) we wonder if it is practical for IJB officers to devote resources to a new statutory responsibility for services which lie outwith their remit (and possibly expertise) and without conferring any clear advantage in terms of improving outcomes. The inconsistency of input from IJBs to ICSPs described in the Policy Memorandum is most likely an indication of capacity issues as much as culture.

This proposal was largely unexpected and has not previously been consulted on. Following the passing of the Care Reform (Scotland) Act, we think this needs to be seen in the context of implementing what is still referred to as a National Care Service.

Uniform mandatory delegation of children's services across all Integration Schemes was the Government's intention as part of the original National Care Service Bill, as a means of centralising control and accountability to Scottish Ministers. While these original plans were dropped, Ministers made clear their continued desire for centralisation, and for the transfer of decision-making over children's social care services from local authorities to IJBs.

In her letter of 24 June 2024, the then Minister outlined her intention to consider how any legislative changes for children's services could align with The Promise and its timescales. In a subsequent letter to the Convenor of the Health, Social Care & Sport Committee the Minister emphasised that the government's aims for children's services remained the same, only the means to achieve these had altered.

This seems to be the context for this proposal. This view is supported by the wording of the Policy Memorandum which explains that "by strengthening the legal duty, it would further ensure the IJBs central role in the strategic planning landscape", extending this to children's services in all parts of Scotland." (p.52). Indeed, it states: "The Scottish Government considers the Bill provision has the potential to be a helpful first step towards streamlining of the planning and reporting landscape in relation to children and families' policy" (p53).

While this may appear an insignificant and uncontroversial change, giving IJBs a statutory role in Children's Services Planning provides a stronger basis from which to argue for mandatory delegation of children's services in future and a clear step towards this, particularly if an absence of objection from key partners can be cited in future. It may also be used to justify strengthening the remit of the National Care Service Advisory Board to cover all children's services, and not just those currently delegated. We remain opposed.

### **Are there any other comments you would like to make in relation to this Bill?**

We would like to make some comments about the approach taken to this legislation.

- This is another 'framework bill' containing enabling powers but with all of the details of the intended measures still to be worked out and made known later, through secondary legislation. This is disappointing given that it is 5 years since the Independent Care Review reported and halfway through the Promise implementation period. It takes a piecemeal approach but even the individual parts are barely-formed. Work on the preferred model of advocacy services remains incomplete, which means reliable cost estimates are not available for MSPs to consider (Financial Memorandum, p13). The same is true of the after care provisions, which have potentially considerable resource implications for local government, and the National Foster Care Register.
- It is yet another piece of legislation that creates additional duties for local authority social work, adding layers to an already complex system. The bill may produce better outcomes for some children and young people, those who receive after care services or advocacy support as a result. But the failings that arise from the lack of relationship-based care experienced by children in care, and the considerably larger number who grow up on the edge of care, will continue. As we highlighted in our response to the Future of Foster Care consultation, the systemic problems in social work named in the Independent Care Review, and many earlier reports and inquiries, need to be addressed.
- Given the role of statutory social work, it is surprising to learn from Social Work Scotland's correspondence with the Minister, that the bill team had no contact or engagement with social work organisations in developing the legislation.
- While the Financial Memorandum says the costs to local government will be covered through uplifts to the Local Government Revenue Grant, the concern is that this will exacerbate the current situation, identified as a problem by both the Improvement Service (2025) and Audit Scotland (2025), where funding for national government priorities comprises a growing proportion of the Revenue Grant, but the under resourcing of general Children & Families social work services, highlighted by the Independent Care Review, remains unaddressed.

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