POLICY NOTE

THE REGULATION OF CARE (CHILD CONTACT SERVICES) (SCOTLAND) ORDER 2025

SSI 2025/XXX

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

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

Summary Box

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

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

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

Policy Objectives

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

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

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

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

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

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

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

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

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

EU Alignment Consideration

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

Consultation

12. In 2018, the Scottish Government consulted on Review of Part 1 of the Children (Scotland) Act 1995, which informed the Children (Scotland) Bill (now the Children (Scotland) Act 2020), and sought views on whether child contact centres should be regulated (question 6). A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website[1]. There was broad support in the responses for child contact centres being regulated[2].

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

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

13. Following the consultation the Scottish Government commissioned the Care Inspectorate to carry out a feasibility study on the regulation of child contact services. The Care Inspectorate published a Feasibility Study Report[3] in March 2020. The report set out recommendations, the first being that, based on the benefits and risks outlined in the report, child contact centres should be regulated.

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

15. In 2021, there was a further Scottish Government consultation on implementation of child contact services regulation, including draft impact assessments. A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website[4], it includes Scottish Women's Aid, Shared Parenting Scotland and Relationships Scotland.

16. The analysis of the consultation responses was also published[5].

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

18. In 2022 the Scottish Government reached agreement with the Care Inspectorate that they would take on the role of independent regulator of child contact services. The Care Inspectorate already regulate a range of care services, including services related to children and young people. Their scrutiny and assurance work will help child contact providers ensure the best outcomes for children using their services.

19. Through our detailed discussions with the Care Inspectorate we learned about their existing regulatory regime for registered care services under the Public Services Reform (Scotland) Act 2010 and associated regulations. This is underpinned by the standards and outcomes in the Health and Social Care Standards [6]. The Care Inspectorate also develops Quality Improvement Frameworks for the different care service settings it regulates. These frameworks are used as the basis for carrying out inspections and also by service providers for self-evaluation and continuous improvement.

20. In agreement with the Care Inspectorate, the Scottish Government decided to use the powers in the Public Services Reform (Scotland) Act 2010 to apply the existing

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

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

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

[6] https://www.gov.scot/publications/health-social-care-standards-support-life/pages/2/

regulatory regime to child contact services, rather than prescribe a separate set of minimum standards under the Children (Scotland) Act 2020, as had been envisaged when we consulted in 2021.

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

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

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

23. We have also heard from individuals with experience of using child contact services, to learn first-hand about some of the issues, as well as examples of good practice. This will help inform how the new regulatory regime will need to be shaped during the 18 month lead-in period.

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

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

26. The Scottish Government will keep under review the decision to regulate child contact services using the powers in the Part 5 of the Public Services Reform

(Scotland) 2010 rather than the powers in section 10 of the Children (Scotland) Act 2020.

Impact Assessments

27. A suite of Impact Assessments was completed on the draft SSI and are attached:
    - The Child's Rights and Wellbeing Impact (CRWIA) assessment identified that there is a positive impact in relation to children's rights.
    - The Equality Impact Assessment (EQIA) identified positive or no impacts on each of the protected characteristics.
    - The Data Protection Impact Assessment (DPIA) assessed compliance with the requirements of the UK GDPR and Data Protection Act 2018.
    - The Island Communities Impact Assessment (ICIA) identified that there was no significantly different impact on island communities as compared with other communities in relation to this Order.
    - The Fair Scotland Duty Assessment identified that families who experience inequalities of outcome caused by socio-economic disadvantage may be impacted by the wider regulation of child contact services.

Financial Effects

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

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

30. We do not anticipate a measurable impact for businesses more widely. Any impact on the courts, the legal profession, the Equality and Human Rights Commission or the Scottish Public Services Ombudsman will be minimal given the modest size of the child contact sector.

31. The published BRIA can be found on the Scottish Government website.

Scottish Government
Justice Directorate

23 September 2025