



The Scottish Parliament  
Pàrlamaid na h-Alba

Ash Regan MSP  
Minister for Community Safety

Via email only

Equalities Human Rights and Civil Justice  
Committee  
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12 May 2022

Dear Minister,

## **Equalities, Human Rights and Civil Justice Committee, 19 April 2022**

### **Children's Participation in Court Decision-Making**

Thank you for your response dated 22 April to the Committee's letter to you dated 10 March 2022 (family law roundtable).

We note within your response you identify the Scottish Government's main focus in relation to implementation of the Children (Scotland) Act 2020 as being the proposed regulation of child contact centres.

At its meeting on [19 April](#) the Committee heard evidence from two witness panels on what is and should be being done to ensure children's voices are not just heard but properly taken account of within the court's decision-making process.

Following that session, the Committee agreed to write again to you for:

- a general update on progress and anticipated timescale for full implementation of the 2020 Act
- an indication of the work being undertaken by the Scottish Government and the courts to strengthen the infrastructure which supports the 2020 Act. Crucially, the Committee is interested in what is being done to develop children's advocacy services (for parenting disputes under the 1995 Act) to ensure consistency of practice across the court system, so children can be confident their views are being heard
- a view on what is required of an individual to be a children's welfare reporter, for example, should they be a lawyer or other professional (social worker; psychologist)

- a view on the consistency in the delivery of services provided in this role, as the Committee heard some child welfare reporters will routinely seek children's views before preparing a report, while others don't.

The Committee notes the Scottish Government's recent consultation and its intention to "later this year consider what is required to implement the provisions on child welfare reporters...". We would welcome an indication of when this consideration will be conducted and when any relevant subordinate legislation will come forward.

We further note the guidance for children on speaking to a child welfare reporter and the planned version aimed at younger children.

Yours sincerely,

Joe FitzPatrick MSP  
Convener  
Equalities, Human Rights and Civil Justice Committee