



The Scottish Parliament  
Pàrlamaid na h-Alba

## JUSTICE COMMITTEE

### AGENDA

4th Meeting, 2020 (Session 5)

Tuesday 28 January 2020

The Committee will meet at 10.00 am in the Mary Fairfax Somerville Room (CR2).

1. **Decision on taking business in private:** The Committee will decide whether to take item 4 in private.
2. **Children (Scotland) Bill:** The Committee will take evidence on the Bill at Stage 1 from—

Janet Cormack, Legal Policy Manager, Clan Childlaw;

Susan Edington, Edingtons WS;

Ruth Innes QC, Faculty of Advocates;

Jennifer Gallagher, Chair, Family Law Association;

Nadine Martin, Harper Macleod LLP.

3. **Children (Scotland) Bill (in private):** The Committee will review the evidence heard earlier in the meeting.
4. **Work programme:** The Committee will consider its work programme.

Stephen Imrie  
Clerk to the Justice Committee  
Room T2.60  
The Scottish Parliament  
Edinburgh  
Tel: 0131 348 5195  
Email: [justiceCommittee@parliament.scot](mailto:justiceCommittee@parliament.scot)

The papers for this meeting are as follows—

**Agenda item 2**

Paper by the Clerk

J/S5/20/4/1

PRIVATE PAPER

J/S5/20/4/2 (P)

**Agenda item 4**

PRIVATE PAPER

J/S5/20/4/3 (P)

**Justice Committee**

**4th Meeting, 2020 (Session 5), Tuesday 28 January 2020**

**Children (Scotland) Bill**

**Note by the clerk**

**Introduction**

1. The Children (Scotland) Bill was introduced in the Scottish Parliament on 2 September 2019. It is a Scottish Government Bill. The Bill mainly makes changes to how disputes in relation to children are settled when families break down.
2. According to the Scottish Government, the policy aims of the Bill are to:
  - ensure the views of the child are heard in contact and residence cases;
  - further protect victims of domestic abuse and their children;
  - ensure the best interests of the child are at the centre of contact and residence cases and Children’s Hearings; and
  - further compliance with the United Nations Convention on the Rights of the Child (UNCRC) in family court actions.
3. More information on the Bill can be found here:  
<https://www.parliament.scot/parliamentarybusiness/Bills/112632.aspx>
4. A SPICe briefing on the Bill can be found here:  
<https://digitalpublications.parliament.scot/ResearchBriefings/Report/2019/11/21/The-Children--Scotland--Bill-1>
5. SPICe have also prepared a briefing looking at how other legal systems deal with parenting disputes, which can be found here:  
<https://digitalpublications.parliament.scot/ResearchBriefings/Report/2019/11/20/Resolving-parenting-disputes--Scotland-compared-to-other-countries-1>

**Justice Committee scrutiny**

6. The Bill was referred to the Justice Committee for Stage 1 scrutiny. The Committee launched a [call for evidence](#) on 20 September 2019, with a closing date of 15 November 2019. To date, 74 responses have been received and published here:  
<https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/113648.aspx>
7. Any further late responses will be published on that webpage in due course.
8. As part of its scrutiny of the Bill, the Committee commissioned an external academic, Dr Lesley-Anne Barnes Macfarlane of Edinburgh Napier University, to review both the current law and the proposed reforms in the Bill from a human

rights perspective. Her report can be found here:

[https://www.parliament.scot/S5\\_JusticeCommittee/Inquiries/Balancing\\_the\\_Rights\\_of\\_Parents\\_and\\_Children\\_Reportv2.pdf](https://www.parliament.scot/S5_JusticeCommittee/Inquiries/Balancing_the_Rights_of_Parents_and_Children_Reportv2.pdf)

And a summary report here:

[https://www.parliament.scot/S5\\_JusticeCommittee/Inquiries/Balancing\\_the\\_Rights\\_of\\_Parents\\_and\\_Children\\_Report\\_Summary.pdf](https://www.parliament.scot/S5_JusticeCommittee/Inquiries/Balancing_the_Rights_of_Parents_and_Children_Report_Summary.pdf)

9. At its meeting on [26 November 2019](#), the Committee took evidence from Scottish Government officials assisting Ministers in taking the Bill through Parliament (“the Bill team”).
10. At its meeting on [17 December 2019](#), the Committee held a roundtable evidence session with Dr Fiona Morrison, University of Stirling, Professor Kay Tisdall, University of Edinburgh, and representatives from the Children and Young People’s Commissioner Scotland and Scottish Women’s Aid. These individuals and organisations have been involved in recent research projects which have included hearing directly from children and young people on issues relating to the Bill. The purpose of the roundtable session was to explore the findings from these projects on children and young people’s experiences of contact disputes, their views on how the current system could be improved, and whether other work needs to be done to hear children’s views on these issues.
11. The Committee then took evidence on the Bill from Professor Elaine Sutherland, University of Stirling, and Dr Richard Whitecross, Edinburgh Napier University.
12. At its meeting on [7 January 2020](#), the Committee heard from representatives of the Children and Young People’s Commissioner Scotland, Children 1<sup>st</sup>, NSPCC Scotland, ASSIST and Scottish Women’s Aid.
13. At its meeting on [14 January 2020](#), the Committee heard from Dr Sue Whitcombe, Chartered Psychologist, and representatives of Grandparents Apart UK, Shared Parenting Scotland and Relationships Scotland.
14. At its meeting on [21 January 2020](#), the Committee heard from representatives of CELCIS, Social Work Scotland, Who Cares? Scotland, Children’s Hearings Scotland and the Scottish Children’s Reporter Administration.
15. At its meeting on 28 January 2020, the Committee will hear from: Janet Cormack, Legal Policy Manager, Clan Childlaw; Susan Edington, Edingtons WS; Ruth Innes QC, Faculty of Advocates; Jennifer Gallagher, Chair, Family Law Association; and Nadine Martin, Harper Macleod LLP.
16. At future meetings in February, the Committee will hear from other witnesses with an interest in the Bill.