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Our ref: 202000037197
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Dear June

Thank you for your email to various Scottish Ministers regarding the Children (Scotland) Bill and the right of contact between children and their grandparents.

The Scottish Government recognises the important role that grandparents can play in many families in relation to bringing up children. The Scottish Government wants to ensure that grandchildren can expect, amongst other things, to know and maintain contact with their wider family, except where it is not in the best interests of the child for them to do so.

The Bill does not include a presumption in favour of children having contact with their grandparents for a number of reasons. Firstly, such a presumption would bring a risk of contact and residence orders where it is not in the child's best interests, but results simply from a failure to rebut the presumption. Secondly, a Grandparent, like any other relative of the child can raise an order under section 11 of the 1995 Act to have contact with a child. The court must decide in accordance with the child's best interests in each case. Thirdly, a presumption in relation to grandparents would mean similar provision for other family members who would otherwise be at a disadvantage. Evidence would need to be led to address these presumptions in every case, and risks the focus becoming the rights of adults, rather than those of the child. There would also need to be provision about how the presumption should be affected by, for example, the views of the child. This adds complexity to the legislation, the decision making process and risks delay which is detrimental to the welfare of the child.

Instead the Bill requires the court, when assessing the welfare of the child, to consider the effect of any decision on the child's important relationships with persons other than their parents. This is specifically intended to include grandparents.

In the Family Justice Modernisation Strategy and also the Scottish Government's response to the Justice Committee's stage 1 report on the Children (Scotland) Bill we have made a commitment to continue to promote the Charter for Grandchildren.

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A key aim is to ensure that bodies such as Local Authorities, Social Work Scotland, and bodies representing family lawyers are fully aware of the Charter for Grandchildren.

You may wish to be aware that the topic of grandparents was raised in the Stage 1 debate on the Children (Scotland) Bill which took place on 27 May. The text of the debate is available at the link below:

<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=12660&mode=pdf>

In the debate I stressed that I am committed to engaging with key stakeholders to further promote the Charter for Grandchildren. As I mentioned in the debate I would be happy to meet with you to discuss steps that we should be taking to further promote the Charter for Grandchildren. Please contact Erin Connell in my office if you would like to set up a meeting her email is: MinisterCS@gov.scot



ASH DENHAM

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