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**To:** Social Work, Health and Well-Being Policy Board

**On:** 3 March 2015

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**Report by:** Director of Children's Services

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**Heading:** Consultation on Draft Statutory Guidance for Part 9  
(Corporate Parenting) of the Children and Young People  
(Scotland) Act 2014

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## **1. Summary**

- 1.1. The Children and Young People (Scotland) Act 2014 (the 2014 Act) contains a number of provisions for all children and is aimed at improving outcomes for children and young people. At a universal level the 2014 Act cover the rights of children and young people, getting it right for every child (including the requirement for a Named Person and a single planning process for children who require it), defining well being and increasing early learning and education provision.
- 1.2. The 2014 Act also put in place significant new legislative duties in respect of looked after children. These new duties include embedding in law Corporate Parenting responsibilities on public bodies, extending the rights of formerly looked after children to aftercare and introduces the concept of continuing care.
- 1.3. The Scottish Government has indicated its intention to publish and consult on statutory guidance for various parts of the 2014 Act. On 17 December 2014 the Scottish Government launched a consultation on [Draft Statutory Guidance for Part 9 \(Corporate Parenting\) of the Children and Young People \(Scotland\) Act 2014](#). The Consultation closes on 2 March 2015 and a draft response has been prepared for consideration and approval by the Board (appendix 1).

- 1.4. On 6 February 2015 the Scottish Government launched consultation on [Draft Statutory Guidance for Parts 4, 5 and 18 \(Section 96\) of the Children and Young People \(Scotland\) Act 2014](#) which covers the provisions within the 2014 Act on Getting It Right For Every Child. This consultation ends on 1 May 2015. Given the consultation document has just been issued it isn't possible to provide a draft response for consideration at this meeting. A draft response will be sent to the Scottish Government and a report seeking homologation presented at the first meeting of the new Education and Children's Services Policy Board on 14 May 2015.
  - 1.5. The Scottish Government had indicated that Draft Statutory Guidance on Parts 10 and 11 would be published in December 2014 covering aftercare and continuing care. This draft statutory guidance has not yet been published and a report will be presented to a future meeting of the Education and Children's Services Policy Board.
  - 1.6. The Draft Statutory Guidance for Part 9 (Corporate Parenting) has been issued to provide clarity on the duties of corporate parents. The Draft Statutory Guidance includes sections on corporate parenting responsibilities, planning by corporate parenting, collaborative working among corporate parents, reports by corporate parents, relations between corporate parents and those holding parental rights and responsibilities for individual children and the outcomes which corporate parents are expected to deliver for looked after children.
  - 1.7. The Scottish Government is seeking responses to 5 questions as listed in appendix 1. The response has been informed by a multi-agency discussion at the Children and Young People Thematic Board on 24 February 2015.
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## **2. Recommendations**

- 2.1. The Social Work, Health and Well-being Policy Board is asked to:
    - [a] note the launch of the consultation on Draft Statutory Guidance for Part 9 (Corporate Parenting) of the Children and Young People (Scotland) Act 2014;
    - [b] consider and homologate the response attached at appendix 1;
    - [c] note that a report will be presented to the first meeting of the Education and Children's Services Policy Board on the Draft Statutory Guidance for Parts 4, 5 and 18 (Section 96) of the Children and Young People (Scotland) Act 2014
    - [d] delegate preparing a response to that consultation to the Director of Children's Services; and
    - [e] request the Director of Children's Services provide a report on the Draft Statutory Guidance on Parts 10 and 11 covering aftercare and continuing care to a future meeting of the Education and Children's Services Policy Board.
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### **3. Background**

- 3.1. The Children and Young People (Scotland) Act 2014 (the 2014 Act) was passed by the Scottish on 19 February 2014 and received Royal Assent on 27 March 2014. The Act contains a range of provisions including the rights of children and young people, the provision of early learning and child care, embedding the Getting it Right for Every Child approach and services and support for looked after children.
- 3.2. The Scottish Government previously published Statutory Guidance on the Early Learning and Childcare elements of the Children and Young People (Scotland) Act 2014. This Statutory Guidance underpins the Early Learning and Childcare provision in Renfrewshire relating to the provision of 600 hours of free early learning and child care for three and four year olds and vulnerable two year olds.
- 3.3. The Scottish Government has indicated that it intends publishing and consulting on a range of Draft Statutory Guidance in relation to the 2014 Act. The Draft Statutory Guidance for Part 9 (Corporate Parenting) of the Children and Young People (Scotland) Act 2014 was published on 17 December 2014 and the consultation ends on 2 March 2015. A consultation on Draft Statutory Guidance for Parts 4, 5 and 18 (Section 96) of the Children and Young People (Scotland) Act 2014 was launched on 6 February 2015 and closes on 1 May 2015. A report on that document will be submitted to the first meeting of the Education and Children's Services on 14 May 2015.
- 3.4. The Scottish Government had indicated that the Draft Statutory Guidance on Parts on Parts 10 and 11 would be published in December 2014 covering aftercare and continuing care. This draft statutory guidance has not yet been published and a report will be presented to a future meeting of the Education and Children's Services Policy Board.

#### **Draft Statutory Guidance for Part 9 (Corporate Parenting) of the Children and Young People (Scotland) Act 2014**

- 3.5. Part 9 of the Children and Young People (Scotland) Act 2014 deals with the issue of Corporate Parenting. This part of the Act puts the concept and policy of corporate parenting onto a statutory basis. Part 9 of the Act sets out a framework of the duties and responsibilities of a public body identified as a corporate parent and comes into force in April 2015.
- 3.6. Local government services have worked with the concept of corporate parent for some time however the 2014 Act extends the range of public bodies now considered to be corporate parents. The Scottish Government commissioned the Centre for Excellence for Looked After Children in Scotland to develop the statutory guidance. The 2014 Act requires the Scottish Government to consult corporate parents on the guidance before it is issued.
- 3.7. The Scottish Government launched a formal consultation on the statutory guidance on 17 December 2014. The Scottish Government has indicated that responses should be submitted by 2 March 2015.

- 3.8. The responsibilities in relation to corporate parenting come into effect in April 2015. The 2014 Act requires public bodies to discharge their corporate parenting responsibilities to all looked after children. For young people who were looked after on their 16<sup>th</sup> birthday the corporate parenting responsibilities extend up to and including the age of 26.
- 3.9. Corporate parents are required to prepare, publish and review a corporate parenting plan. The 2014 Act corporate parents to work in a collaborative manner to discharge this area of responsibility.
- 3.10. The 2014 Act outlined the range of young people for whom corporate parents have duties and responsibilities towards. Following review the Scottish Government decided to extend the range of young people to whom corporate parents have responsibility to include young people between the ages of 16 to 26 who are no longer looked after but who were previously looked after between the ages of 11 and 16 for an aggregated period of no less than two years.
- 3.11. The Draft Statutory Guidance defines corporate parenting as:  
*“An organisation’s performance of actions necessary to promote and support the wellbeing of a looked after child or care leaver, including their physical, emotional, spiritual, social and cognitive development”.*
- 3.12. The statutory guidance is clear that corporate parenting is not a task which can be delegated to a team or individual but relates to the organisation. The duties of the corporate parent should be discharged in a manner which is consistent with the purpose and function of the individual public body
- 3.13. The statutory guidance:
- has been produced to assist organisations identified as being a corporate parent in the discharge of their duties
  - is clear that the organisation’s most senior officers are responsible for ensuring that the duties in Part 9 of the 2014 Act are discharged;
  - notes the important role that elected members have in holding senior officers to account in relation to corporate parenting;
  - provides clarity in relation to responsibilities for children and young people who are placed outwith their own local authority or in the independent or third sector;
  - requires corporate parents to be alert to matters which might adversely impact on looked after children or care leavers;
  - requires corporate parents to promote the interests of looked after children and care leavers;
  - requires corporate parents to have a Corporate Parenting Plan (this doesn’t need to be a stand-alone plan and can be included in another plan such as the Integrated Children’s Services Plan);
  - requires corporate parents to collaborate to improve outcomes for looked after children and care leavers; and
  - ensure that corporate parents maintain links with parents of looked after children who continue to hold parental rights and responsibilities.

- 3.14. A corporate parenting working group is in place in Renfrewshire. This group has developed an action plan to assist the range of partners in the area discharge their corporate parenting responsibilities. The Corporate Parenting Group will ensure that Renfrewshire is well placed to discharge the responsibilities outlined in the Draft Statutory Guidance.
- 3.15. The Draft Statutory Guidance sets out the minimum standards expected of corporate parents and as such are a welcome resource for corporate parents. There isn't anything in the Draft Statutory Guidance which causes a problem for Renfrewshire. The review of the Draft Statutory Guidance indicates that Renfrewshire is already displaying best practice in this area.
- 3.16. The Children and Young People Thematic Board discussed the Draft Statutory Guidance on 24 February 2015. That discussion has informed the response attached at appendix 1.
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## **Implications of this report**

### **1. Financial Implications**

At present it is not clear of the level of financial impact on local authorities as a result of the new duties contained in the 2014 Act under Corporate Parenting responsibilities. The new challenges particularly relate to the extension of aftercare services to care leavers up to the age of 26.

### **2. HR and Organisational Development Implications**

None.

### **3. Community Plan/Council Plan Implications**

Children and Young People

- The Draft Statutory Guidance on corporate parenting will support groups of vulnerable children and assist in delivering the outcomes contained in the Community Plan for children and young people.

Jobs and the Economy

- Additional responsibilities for corporate parents will result in additional support to looked after children and should assist in supporting them into further education, training or employment. The Draft Statutory Guidance should result in practice contributing positively to the outcomes in the Community Plan in relation to Jobs and the Economy.

### **4. Legal Implications**

The Children and Young People (Scotland) Act 2014 contains significant legal implications for local authorities.

### **5. Property/Assets Implications**

None.

**6. Information Technology Implications**

None.

**7. Equality and Human Rights Implications**

The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because it is for noting only.

**8. Health and Safety Implications**

None.

**9. Procurement Implications**

None.

**10. Risk Implications**

None.

**11. Privacy Impact**

None.

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**List of Background Papers:     None**

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0141 618 6827

- 1) Do you feel this draft guidance provides clarity about what corporate parenting is, and how corporate parents are supposed to exercise their duties?**
- 2) Do you agree with the definition of corporate parenting?**  
If not, what would you change and why?
- 3) Is the draft guidance clear about how different corporate parents, in view of their other functions, should assess the wellbeing of looked children and care leavers?**
- 4) Are there sections of the guidance which you feel need to be expanded?**
- 5) Do you have any other comments?**





## Respondent Information Form

**Please Note** this form **must** be returned with your response to ensure that we handle your response appropriately. **If you are responding to more than one set of regulations at the same time, you only need to complete this form once.**

### 1. Name/Organisation Organisation Name

**Title** Mr ☐ Ms ☒ Mrs ☐ Miss ☐ Dr ☐ Please tick as appropriate

### Surname

### Forename

### 2. Postal Address

### 3. Permissions - I am responding as...

Individual

/

Group/Organisation

☐

*Please tick as appropriate*

☒

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

**Please tick as appropriate**

☐ Yes ☐ No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

**Please tick ONE of the following boxes**

Yes, make my response, name and address all available

☐

**or**

Yes, make my response available, but not my name and address

☐

**or**

Yes, make my response and name available, but not my address

☐

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

**Please tick as appropriate**

☒ Yes ☐ No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

**Please tick as appropriate**

☒ Yes

☐ No

**4. Additional information – I am responding as:**  
**Please tick as appropriate**

<b>1. NHS Health Board</b>	
<b>2. Other NHS Organisation</b>	
<b>3. General Practitioner</b>	
<b>4. Local Authority</b>	✓
<b>5. Other statutory organisation</b>	
<b>6. Third sector care provider organisation</b>	
<b>7. Independent / private care provider organisation</b>	
<b>8. Representative organisation for professional group</b>	
<b>9. Representative organisation for staff group e.g. trade union</b>	
<b>10. Education / academic group</b>	
<b>11. Representative group for patients / care users</b>	
<b>12. Representative group for carers</b>	
<b>13. Patient / service user</b>	
<b>14. Carer</b>	
<b>15. Other – please specify</b>	



## Consultation on Draft Statutory Guidance for Part 9 (Corporate Parenting) of the Children and Young People (Scotland) Act 2014

### Respondent Information Form

**Please Note** this form **must** be returned with your response to ensure that we handle your response appropriately. **If you are responding to more than one set of regulations at the same time, you only need to complete this form once.**

#### 1. Name/Organisation

##### Organisation Name

Renfrewshire Council

Title Ms

##### Surname

Hawthorn

##### Forename

Dorothy

#### 2. Postal Address

Renfrewshire Council

Renfrewshire House

Cotton Street

Paisley

##### Postcode

PA1 1TZ

##### Phone

0141 618 6838

##### Email

dorothy.hawthorn@renfrewshire.gcsx.gov.uk

#### 3. Permissions - I am responding as...

Individual

/

Group/Organisation

☐

*Please tick as appropriate*

☒

- (a)** Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

**Please tick as appropriate**

☐

Yes

☐

No

- (c)** The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

**(b)** Where confidentiality is not requested, we will make your responses available to the public on the following basis

**Please tick ONE of the following boxes**

Yes, make my response, ☐  
name and address all  
available

**or**

Yes, make my response ☐  
available, but not my  
name and address

**or**

Yes, make my response ☐  
and name available, but  
not my address

Are you content for your  
**response** to be made  
available?

**Please tick as appropriate**

☒ Yes ☐ No

**(d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

**Please tick as appropriate**

☐ Yes

☐ No

#### 4. Additional information – I am responding as:

**Please tick as appropriate**

1. NHS Health Board	
2. Other NHS Organisation	
3. General Practitioner	
4. Local Authority	X
5. Other statutory organisation	
6. Third sector care provider organisation	
7. Independent / private care provider organisation	
8. Representative organisation for professional group	
9. Representative organisation for staff group e.g. trade union	
10. Education / academic group	
11. Representative group for patients / care users	
12. Representative group for carers	

13. Patient / service user		
14. Carer		
15. Other – please specify		





## Consultation Questions

### Preamble

Renfrewshire Council welcomes the opportunity to provide comment on the Draft Statutory Guidance for Part 9 (Corporate Parenting) of the Children and Young People (Scotland) Act 2014. The response below has been informed by discussions with a range of partner agencies at a meeting of the Renfrewshire Children and Young People Thematic Board. The Children and Young People Thematic Board is one of six Thematic Boards which take the lead in planning and delivering the Renfrewshire Community Plan.

#### **1 Do you feel this draft guidance provides clarity about what corporate parenting is, and how corporate parents are supposed to exercise their duties?**

Renfrewshire considers that the draft guidance is a good start to explaining what “corporate parenting is and how “corporate parents” are supposed to exercise their duties. There is nothing in the guidance with which we have a major concern however the general view is that the draft guidance is not an easy read nor does it add to what is already available in other documents including in “These are Our Bairns: A Guide for Community Planning Partnerships on Being A Good Corporate Parent”.

It is recognised that the draft guidance is one of a suite of guidance which will be published by the Scottish Government however given that all of the guidance is not yet available it is difficult to offer a view on how they all link. This is frustrating when the paragraph 4 outlines the need to read the guidance alongside other documents which are not yet available (particularly) the draft guidance on Part 10 (Aftercare).

Renfrewshire considers that the section which provides the definitions of a “looked after child” and “care leaver” is helpful and clear. We believe that this part of the draft guidance will be useful to the range of agencies and organisations defined as corporate parents in Schedule 4 of the Children and Young People (Scotland) Act 2014 with an easy and accessible definition allowing them to target their responsibilities under the Act in a positive and proactive manner.

It is our view that the Executive Summary and page 10 are almost a complete repetition and should not be repeated in the final document. The final document should contain this detail in only one section.

Renfrewshire notes that paragraph 43 (page 15) refers in the final sentence to the role of those involved in “corporate governance” of organisations. It is our view that this section does not address the particular “governance role” in as comprehensive manner as we think it should. We would suggest that in addition to scrutinising the role of senior management there is an active role for some with a governance role in the discharge of the role of “corporate parent” e.g. the elected members in Renfrewshire make themselves available to looked after children to ensure that they are directly aware of the issues and challenges that looked after children are experiencing and the way in which services are responding to address these.

Renfrewshire is supportive of the guidance outlining the responsibilities of corporate parents as contained in Section 58 of the Children and Young People (Scotland) Act 2014. We believe that the approach adopted in the draft guidance whereby each area of responsibility is addressed individually and where required linked to each other is helpful. It is also considered helpful that the draft guidance at an early stage provides support for corporate parents to work together to discharge these responsibilities.

Renfrewshire believes that the guidance in relation to the need for corporate parents to **“be alert to matters which might adversely affect wellbeing”** is clear and concise. We are of the view that this section would be enhanced by the addition of guidance on a feedback loop particularly in circumstances where the agency or organisation is not able to accept the views of those looked after children, care leavers or carers who contributed to any engagement event or process.

Paragraph 62 on **“assess the needs of children and young people for services and support”** notes that the term “needs” may be interpreted as “the actions which must be taken”. We think this is not helpful and in fact causes confusion. “Needs” in our view is something that is unique to an individual results in an action to address it.

The section of the guidance on page 25 headed **“promote the interests of looked after children and care leavers”** is, subject to the issue of the definition of need highlighted above, a helpful section. The section headed **“provide opportunities to participate in activities designed to promote wellbeing”** is also considered to be helpful.

The guidance on pages 29 to 33 is helpful and accessible whilst providing the “corporate parent” with sufficient clarity around how they should discharge their responsibilities in the sections identified.

Renfrewshire is keen to ensure that any new responsibility around a plan for particular groups of children does not add an additional burden and must enhance what is already in place to be useful. As such Renfrewshire is supportive of the proposed guidance which allows the “corporate parenting plan” to be part of the “integrated children’s services plan”. It would be the intention in Renfrewshire to ensure that the “corporate parenting plan” is embedded in the “integrated children’s services plan” and linked to the “community plan”. The suggested three year period appears to be sensible as does an annual review of progress being made.

Renfrewshire believes that the guidance on pages 40 to 42 on the publication of reports by corporate parents should be amended to specify that theses could be contained in the “integrated children’s services plan”.

## **2 Do you agree with the definition of corporate parenting?**

Renfrewshire has some concerns with the definition of corporate parenting contained in paragraph 21 of the draft guidance. It is recognised that the guidance is aimed primarily at agencies and organisations identified in the Children and Young People (Scotland) Act 2014 however if the definition is to be accessible and understood by children, young people and their families then the use of “cognitive development” could be a barrier.

The definition provided by Sonia Jackson and quoted in “These are Our Bairns: A Guide for Community Planning Partnerships on Being A Good Corporate Parent” is *“the performance of all actions necessary to promote and support the physical, emotional, social and cognitive development of a child from infancy to adulthood”*. It is accepted that this definition also contains the term “cognitive development” and suggest that the guidance is revisited to make this more “child and young person friendly and less formal.

Renfrewshire is concerned that the change proposed in the draft guidance introduces the word “spiritual” without any explanation of why this particular term has been added to the definition. We are concerned that introducing this whilst failing to address issues of culture and identity could be seen as discriminatory.

**3 Is the draft guidance clear about how different corporate parents, in view of their other functions, should assess the wellbeing of looked after children and care leavers?**

The guidance on wellbeing is light in detail. It provides a useful reminder of the wellbeing indicators however referring to additional guidance located in other documents can be difficult for navigation purposes. Renfrewshire accepts that the assessment of wellbeing is central to improving outcomes for children. We are of the view that corporate parent guidance should be enhanced on the specific responsibilities and options for discharging the assessment of need to ensure that they do not adversely affect but rather promote wellbeing.

**4 Are there sections of the guidance which you feel need to be expanded?**

Renfrewshire believes that "These are Our Bairns: A Guide for Community Planning Partnerships on Being A Good Corporate Parent" contained useful sections on the questions that agencies and organisations should ask in relation to their role. We recommend that this is considered for adding to the guidance.

**5 Do you have any other comments?**

None.