



**TO: Children and Young People Thematic Board**

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**Report  
by**

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**CORPORATE PARENTING  
PART 9, CHILDREN AND YOUNG PEOPLE (SCOTLAND) ACT 2015**

**1 Summary**

- 1.1 The Children and Young People (Scotland) Act 2014 was passed by the Scottish Parliament on 19<sup>th</sup> February 2014 and received Royal assent on 27<sup>th</sup> March 2014. Part 9 of the Act enshrines the concept on 'corporate parenting' in sections 56-65.
- 1.2 The Act places new duties on identified public bodies to act in support of looked after young people. The public bodies are called 'corporate parents' and the duties are 'corporate parent responsibilities'. The Act incorporates how the public bodies have to plan and report on how they are working together to be corporate parents.
- 1.3 The Scottish Government requested the Centre for Excellence for Looked after Children in Scotland (CELCIS) at the University of Strathclyde to develop national guidance on corporate parenting. A report on the Consultation on the Draft statutory Guidance for Part 9 was discussed at the last Board meeting.
- 1.4 Part 9, the Act provides for a clear definition of Corporate Parenting, and defines the bodies to which it will apply.
- 1.5 The Act puts the concept and policy of corporate parenting onto a statutory basis in Scotland. It established a framework of duties and responsibilities for relevant public bodies requiring them to be systematic and proactive in their efforts to meet the needs of looked after children and young people and care leavers. This also introduces new reporting and accountability structures, with national reporting to Scottish parliament every 3 years.
- 1.6 Commencement of corporate parenting responsibilities in the Act is from April 2015. This report provides an update on the responsibilities for corporate parenting that are now in place.

**2. Recommendation**

- 2.1 The Children and Young People Board is asked to:

➤ Note the new duties under part 9 of the Act;

- Note the reporting duties in relation to corporate parenting duties for all corporate parents (as outlined in Appendix 1);
- Note that a report will be presented to a future Board meeting on the reporting framework

### **3. Background**

#### **Children and Young People (Scotland) Act 2014**

##### **Corporate Parenting duties: Part 9**

- 3.1 Under Parts 9-14 of the Act, there are a number of significant changes being made to the range of duties and powers that affect those in care and care-leavers. In relation to Corporate Parenting, Part 9, the Act provides a clear definition of Corporate Parenting, and defines the bodies to which it will apply.
- 3.2 Part 9 puts the concept and policy of corporate parenting onto a statutory basis in Scotland. It established a framework of duties and responsibilities for relevant public bodies requiring them to be systematic and proactive in their efforts to meet the needs of looked after children and young people and care leavers. This also introduces new reporting and accountability structures, with national reporting to Scottish parliament every 3 years. Commencement of corporate parenting responsibilities is from April 2015.
- 3.3 Development of corporate parenting guidance is being led by CELCIS in collaboration with the Scottish Government. Consultation on the statutory Guidance was undertaken in early 2015. The Statutory Guidance is issued under s63 of the Act and provides corporate parents with information and advice about how they should fulfil the duties set out in Part 9.
- 3.4 The guidance will be accompanied by corporate parenting national practice notes designed to support individual or groups of corporate parents to understand their legal responsibilities and to learn from existing good practice.
- 3.5 The definition of a 'corporate parent' is provided by Section 56 of the Children and Young People (Scotland) Act 2014. An organisation or individual is a corporate parent if they are listed, or within a description listed, in schedule 4 of the Act. (See appendix 1).
- 3.6 Elected officials within a local authority area, staff members or a professional working in any of the public services listed in schedule 4 now have a corporate parenting duty in relation to looked after children and care leavers up to 26 years of age in their area.

##### **Corporate parenting responsibilities**

- 3.7 The 'corporate parenting responsibilities' represent the core element of Part 9. The six duties provide a working definition of corporate parenting, and it is through a corporate parent's efforts to fulfil these duties that they will safeguard and promote the wellbeing of looked after children and care leavers under section 58.
- 3.8 The corporate parenting responsibilities are set out as:

- (1) *It is the duty of every corporate parent, in so far as consistent with the proper exercise of its other functions —*
- (a) *to be alert to matters which, or which might, adversely affect the wellbeing of children and young people to whom this Part applies,*
  - (b) *to assess the needs of those children and young people for services and support it provides,*
  - (c) *to promote the interests of those children and young people,*
  - (d) *to seek to provide those children and young people with opportunities to participate in activities designed to promote their wellbeing,*
  - (e) *to take such action as it considers appropriate to help those children and young people—*
    - (i) *to access opportunities it provides in pursuance of paragraph (d),*
    - (ii) *to make use of services, and access support, which it provides,**and*
  - (f) *to take such other action as it considers appropriate for the purposes of improving the way in which it exercises its functions in relation to those children and young people.*

3.9 The responsibilities extend to all looked after children from birth to when they cease to be looked after. This includes children in foster care, residential care, secure care, looked after at home and those in formal kinship care. It includes disabled children who are 'looked after' during short break provision. Responsibilities can also apply to care leavers who are looked after on their 16<sup>th</sup> Birthday (or subsequently) up to and including the age of 25 years.

3.10 A corporate parent can fulfil these duties individually or in collaboration, but corporate parenting plans and reports should be explicit about how (individual and groups of) corporate parents will meet each obligation.

### **Corporate parenting plan**

3.11 Under section 59 a corporate parent must prepare, keep under review, and publish a Corporate Parenting Plan. The Act does not prescribe a timescale for reviewing this. This plan must set out how the corporate parent proposes to fulfil its corporate parenting responsibilities.

3.12 The format of a corporate parenting plan is not prescribed in the Act or the guidance. However the content of the plan must include information on how the corporate parent will undertake the corporate parenting responsibilities as outlined above in 3.8.

3.13 The corporate parenting duties apply equally to all looked after children and care leavers. In preparing a corporate parenting plan it is recommended that details are given, about how the corporate parent will fulfil their responsibilities in respect to:

- *the different ages (and stages of development) of looked after children;*
- *the different genders;*
- *the different placement types in which looked after children and care leavers live;*
- *looked after children and care leavers with disabilities;*
- *the different cultural and religious backgrounds of looked after children and care leavers.*

## Reporting

- 3.14 Under section 61, a corporate parent must report on how it has exercised its corporate parenting responsibilities (section 58), its planning and collaborating functions under sections 59 and 60, and its other functions under Part 9.
- 3.15 Corporate parenting reports may include information about standards of performance, and the outcomes achieved for looked after children and young people. Reports should be published in such manner as the corporate parent consider appropriate; this could mean publishing the report alongside other reports or documents (such as the corporate parenting plan) or as part of other reports or documents (such as an Annual Report).
- 3.16 A corporate parenting report should be published at least once every three years, starting from April 2015. The report should be linked to the objectives and activities detailed in the plan, providing an analysis of progress and identifying any actions which could improve the way in which the corporate parent exercises its functions. As with the plan, the corporate parenting report should be easily accessible to both young people and the general public.
- 3.17 At a minimum, every corporate parenting report must include information on:
- *How the corporate parent (or group of corporate parents) have exercised the duties set out in section 58 (the 'corporate parenting responsibilities')*
  - *How the corporate parent (or group of corporate parents) have fulfilled their functions in respect to planning, collaborative working with other corporate parents, preparing reports and,*
  - *where relevant, providing information to Scottish Ministers and following directions issued by Scottish Ministers.*
- 3.18 Corporate parenting reports should detail the performance of corporate parents, including outcomes achieved. It will not be sufficient for corporate parenting reports to be narrative descriptions of activity. Corporate parenting reports must be based on data and analysis. It is recommended that corporate parents set clear objectives, on which their performance can be measured and reported upon.

## Complaints and Disputes

- 3.19 Every corporate parent should have a procedure through which looked after children and care leavers can raise a concern or make a complaint. These concerns or complaints may relate to the quality, or absence, of an opportunity, service or support, or other aspects of how a corporate parent has fulfilled their duties under Part 9.
- 3.20 Wherever practical and appropriate corporate parents should try to resolve a child or young person's complaint or concern through informal processes. This will rely on children and young people (with the support of their carers or other advocates) to engage in a dialogue with representatives from the corporate parent.

- 3.21 Where dialogue has not been successful, formal complaint procedure may be necessary. The Act does not prescribe a specific form of complaint procedure for corporate parents; where appropriate, corporate parents should use procedures already in place.
- 3.22 Corporate parents should also ensure that all looked after children and care leavers are aware of the available complaint procedure, and that the procedures are accessible. For some children and young people (including younger children and those with communication difficulties) corporate parents should make provision for their views to be represented by carers, trusted adults and independent advocates.

### **Enforcement of part 9**

- 3.23 Corporate parent's compliance with the legislation will be monitored through the review of corporate parenting reports, independent inspection mechanisms (such as those provided by the Care Inspectorate, Education Scotland and Healthcare Improvement Scotland) and corporate parent's existing governance arrangements

### **Current Position in Renfrewshire**

- 3.24 We have ensured, through CPP, that corporate parenting is a key priority and we have a robust strategy that underpins our work that supports achieving the very best outcomes for our looked after children and young people. Our Community Plan and Integrated Children Services Plan outline our vision and aims as corporate parents.
- 3.25 The CPP Board leads on the implementation of corporate parenting planning and improvement and ensures robust oversight and scrutiny of the developments and outcomes for our looked after young people. The commitment and focus on corporate parenting has ensured a drive toward improving the quality of services and outcomes for our most vulnerable young people. The leadership has driven forward our philosophy of engagement with and participation of our looked after young people in shaping our strategy and practice.
- 3.26 With the oversight of Renfrewshire Children's Services Partnership (RCSP), the corporate parenting steering group drives forward the joint improvement actions across the partnership. The group are reviewing and updating our corporate parenting strategy in light of the new legislation and are currently consulting with looked after young people to ensure we develop a policy that reflect their views.
- 3.27 The inter agency corporate parenting action plan will be reviewed due to the commencement of Part 9 and in particular the role of 'new' corporate parents. This will be brought to a future Board.
- 3.28 We strongly value the views of looked after children and young people and have ensured that we create meaningful opportunities for engagement. The Children Champions Board has ensured direct and meaningful dialogue between looked after young people and their corporate parents. The Board

membership includes young people looked after at home as well as accommodated young people in foster care, kinship care and our children's houses, elected members, directors and senior managers of services across the partnership.

- 3.29 The young people have contributed to policy development, consultations and practice development as well as delivering training to a multi agency staff groups. Their contribution has directly impacted on the corporate parenting plan and improvements in services.
- 3.30 We have undertaken awareness raising on corporate parenting responsibilities for our senior managers and elected members. The evaluation indicates that awareness of stigma, inequality and discrimination has been increased significantly and partners have reviewed their services identified areas improvements.
- 3.31 Who Cares? Scotland has delivered training workshops as a part of a comprehensive training plan. In 2013 they delivered a half day workshop, along with young people from Kibble and care leavers, to all education heads and managers across all sectors. Following this, training has been delivered across sector clusters as part of an ongoing rolling programme. Some of these events have been attended by other services such as third sector services, Skills Development Scotland and Fire and Rescue. Who Cares? Scotland have indicated that our approach to corporate parenting training is sector leading, in particular they have noted that our commitment and plan to deliver to all education staff is an excellent approach.
- 3.32 We are developing capacity for the awareness training to ensure a comprehensive training plan across the CPP. A pilot of this was delivered by social work to specialist services in Education which also focused on the impact of trauma and attachment issues, supported by one of our looked after young people.
- 3.33 We have a specific focus toward improving the attainment levels of our looked after young people. A multi agency group is being led by Head of Service, Children's Services. This approach has been adopted to ensure that looked after children are offered the best opportunity to improve their educational outcome and to learn from best practice across Scotland as well as building a good practice network locally.
- 3.34 We have many good examples of our joint working and our commitment to continuous improvements. This was evaluated by the Care inspectorate as part of the recent joint inspection. Verbal feedback indicates a positive evaluation of our approach to corporate parenting
- 3.35 In order to ensure compliance with the duties in the Act, we will:
- Review the current plan to align this with the guidance on the corporate parenting plans and reports.
  - Consider reporting duties along with other reporting duties in the Act

- Consider local engagement of 'new' corporate parents not currently represented on the steering group or CPP
- Refresh the corporate parenting strategy in light on new legislation and national guidance. This work will be developed along with the Champions Board to ensure the full participation of young people.
- Develop a communications plan which will support key messages for corporate parents on their role and responsibilities.
- Review complaints process to ensure arrangements are in place
- Further develop training and awareness raising across services

**Appendix 1** : Public bodies to which Corporate Parenting responsibilities apply  
(Schedule 4)

- 1 The Scottish Ministers
- 2 A local authority
- 3 The National Convener of Children's Hearings Scotland
- 4 Children's Hearings Scotland
- 5 The Principal Reporter
- 6 The Scottish Children's Reporter Administration
- 7 A health board
- 8 A board constituted under section 2(1)(b) of the National Health Service (Scotland) Act 1978
- 9 Healthcare Improvement Scotland
- 10 The Scottish Qualifications Authority
- 11 Skills Development Scotland Co. Ltd (registered number SC 202659)
- 12 Social Care and Social Work Improvement Scotland
- 13 The Scottish Social Services Council
- 14 The Scottish Sports Council
- 15 The chief constable of the Police Service of Scotland
- 16 The Scottish Police Authority
- 17 The Scottish Fire and Rescue Service
- 19 The Scottish Legal Aid Board
- 20 The Commissioner for Children and Young People in Scotland
- 21 The Mental Welfare Commission for Scotland
- 22 The Scottish Housing Regulator
- 23 Bòrd na Gàidhlig
- 24 Creative Scotland
- 26 A body which is a —post-16 education body for the purposes of the Further and Higher Education (Scotland) Act 2005