

TRAINING AND
EDUCATION AT WHO
CARES? SCOTLAND

CORPORATE PARENTING DUTIES

AN OVERVIEW



**WHO
CARES?**
SCOTLAND

EQUALITY | RESPECT | LOVE

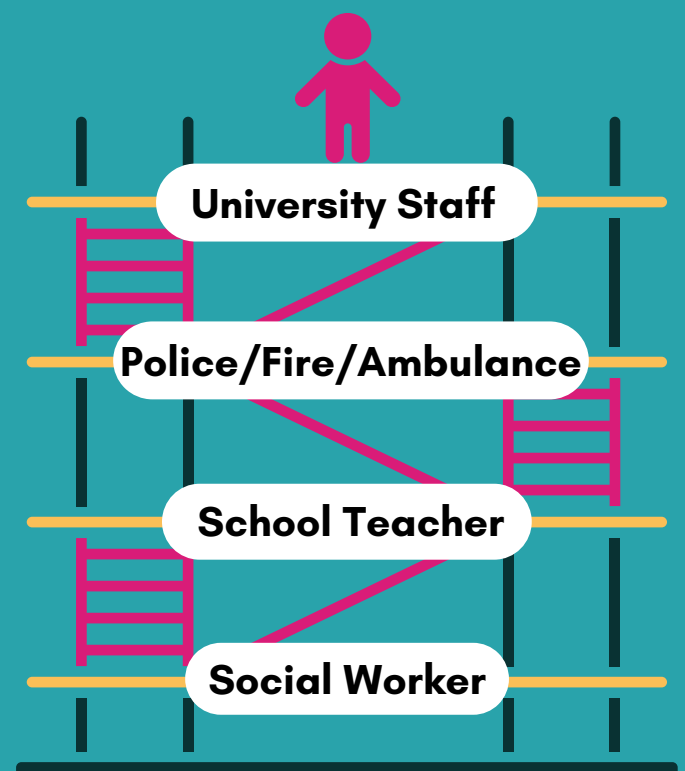
Guidance Materials

CORPORATE PARENTING DUTIES



Scaffold of Care

Every child and young person needs a strong scaffold of **love**, **care** and **support** to see them through to adulthood and beyond. For many people, that scaffold is provided by those closest to them – parents, siblings, pets; wider family such as grandparents, aunts and uncles and the surrounding communities, like neighbours and school friends. When a child or young person goes into care, it can feel like essential pieces of this scaffold are removed. Sometimes very suddenly and often outside of the young person's control. Of course, many new people will step in to form a new scaffold, such as social workers, carers, care workers, teachers etc. Many of whom are Corporate Parents. Our message to Corporate Parents and wider Scottish society is that it is the job of all of us to ensure Care Experienced people have a strong scaffold of support around them, for as long as they need it. **Together** we can support our Care Experienced communities to thrive.



*Examples of Corporate Parents and Care Professionals



INTRODUCTION

This document provides an easy-to-read overview of Corporate Parenting duties as laid out in the [Children and Young People \(Scotland\) Act 2014](#). It also sets out the wider policy and legislative landscape in which they exist.[1] Our first version of this document was created in 2017, and this update reflects the significant change in the Scottish cultural and political context.



Please note that although the Act and subsequent Guidance set out duties to Care Experienced children, young people and adults up to the age of 26, we ask that Corporate Parents follow the Guidance as a **minimum requirement**. Who Cares? Scotland recognises that the impact of care can be lifelong, and would encourage Corporate Parents not to be limited in their support by arbitrary age cut-offs.

[1] This overview draws on the Children and People (Scotland) Act 2014 (the Act) and the Statutory Guidance on Part 9 (Corporate Parenting) of the Act (the Guidance). This overview should provide a good starting point to understanding the Corporate Parenting duties, but for a full understanding, we recommend you look at both the Act and the Guidance. While the Act and the Guidance outline the legal responsibilities of Scotland's Corporate Parents towards Care Experienced people, we would also recommend that you consider how these duties interact with other significant frameworks, plans, policies and legislation.

Introducing Scotland's Corporate Parents



* This is the category that includes

- Accountant in Bankruptcy
- Disclosure Scotland
- Education Scotland
- Scottish Prison Service
- Scottish Public Pensions Agency
- Student Awards Agency for Scotland
- Transport Scotland



What is Corporate Parenting?



“An organisation's performance of actions necessary to uphold the rights and safeguard the wellbeing of a looked after child or care leaver, and through which physical, emotional, spiritual, social and educational development is promoted.”

- Scottish Government 2014

The term '**Corporate Parenting**' can feel like an unusual one. We know that the two words appear to juxtapose. However, when we consider that 'corporate' ultimately means:

“of or shared by a whole group, and not just a single member”

we can start to see that **Corporate Parenting** is more about collective support – being able to provide a network of support for Care Experienced people.



The Promise also comments on this:

“The Care Review has avoided using this term. Nevertheless Scotland must live up to its responsibilities in relation to the children it has (and has had) responsibility for and be a 'good parent'. It is tempting to define what a 'good parent' is. However, like love, to do so would only apply an institutional version of parenting and create the danger of further systemisation of care.”

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THE PROMISE

From 2017 to 2020, an independent 'root and branch' review of the care system was carried out in Scotland. The aim of the review was to identify and deliver lasting change in Scotland's 'care system', leaving a legacy that will transform the wellbeing of infants, children and young people. It began its work in February 2017 and concluded in February 2020 with the publication of seven reports, the most substantial volume of which was ['The Promise'](#).

The Promise Scotland works with all kinds of organisations, including Corporate Parents, to support shifts in policy, practice and culture so Scotland can **#KeepThePromise** it made to Care Experienced infants, children, young people, adults and their families – that **every child grows up loved, safe and respected**, able to realise their full potential.



THE UNCRC

The **UNCRC** is an international human rights treaty that covers all aspects of children's lives. It encompasses civil, political, economic and cultural rights. The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill was unanimously passed by the Scottish Parliament, which means that after the completion of all procedures the UNCRC will become part of Scottish law.

The **UNCRC** incorporation bill ensures that children's rights are protected and upheld in law. This makes a **rights-based approach** an essential part of the work delivered by Corporate Parents.

As Corporate Parents, you need to have a good understanding of the rights entitled to children and young people under the UNCRC and make sure your everyday decisions are grounded in these rights. You can access information on the UNCRC (Incorporation) (Scotland) Bill [the website of the Scottish Parliament](#).



THE CORPORATE PARENTING DUTIES

Corporate Parenting duties set out the responsibility that each Corporate Parent has to **uphold the rights and safeguard the wellbeing of Care Experienced people**. You'll notice that they are deliberately vague in nature – this is to ensure that they apply to the diverse range of Corporate Parents named in legislation. You're not expected to change your primary functions as an organisation – rather look at what already exists within your current roles, remits and resources and tweak or expand them accordingly to ensure they have a **positive impact** on Care Experienced people.

Corporate Parenting should be more than a tick-box exercise. It should be something that can really be felt throughout an organisation's culture. The most important question to ask yourself as a Corporate Parent when designing services or opportunities is: **“Would this be good enough for my child?”**

1 Be alert to matters which, or which might, adversely affect the wellbeing of Care Experienced people.[i]

As a Corporate Parent, you must **be aware** of and **stay informed** about issues that could have a negative impact on an individual with Care Experience, or on the wider Care Experienced community. For instance, an individual may face a change of placement or residence, or changes to a service that make it harder to access; whereas the Care Experienced community might be negatively impacted by changes to a benefit or service being withdrawn. To be alert to these matters affecting Care Experienced people, you should consider how your organisation is ensuring a direct link with the community. This could mean collaborating with other Corporate Parents who already hold relationships with Care Experienced people, or reaching out to organisations like Who Cares? Scotland for support.

[i] Section 58(1)(a) of the Act and paragraphs 70–74 of the Guidance.

THE CORPORATE PARENTING DUTIES

2

Assess the needs of Care Experienced people for the services and support you provide.[i]

When considering this duty, you must first consider whether you have systems in place to identify Care Experienced people who use your service. You cannot support those you do not know exist.

Of course, assessment is not enough on its own; you also need to be able to show how the assessment of needs leads to changes in current services. For example, explain and explore the development of new services or provide evidence demonstrating why changes were not needed.

[i] Section 58(1)(b) of the Act and paragraphs 75-83 of the Guidance.

If you are asking people to self-identify as Care Experienced, are you doing this in a way that is trauma-informed? Are you clearly stating the benefits to self-declaration? Always ask yourself: Why would someone want to “tick that box” – make the support available by doing so clear. Bear in mind that those from kinship care or looked after at home backgrounds may not immediately identify as Care Experienced, and others may not wish to declare their care status for fear of judgement or discrimination – consider how you may address this.

3

Promote the interests of Care Experienced people.[i]

This duty is about actions which can advantage or benefit Care Experienced people or the wider Care Experienced community. Ways to ensure this duty is met could include ensuring Care Experienced people in your area have access to independent advocacy; positive action to widen access to education, leisure or employment opportunities; tackling discrimination; upholding children’s rights; and removing barriers to wellbeing.

[i] Section 58(1)(c) of the Act and paragraphs 84-87 of the Guidance.

THE CORPORATE PARENTING DUTIES



4 Provide Care Experienced people with opportunities to participate in activities designed to promote their wellbeing. [i]

This duty is about securing a wide range of high-quality opportunities to help Care Experienced people become successful learners, confident individuals, responsible citizens and effective contributors to their communities. This is about improving, not just safeguarding, wellbeing. We want to see the Care Experienced population thrive, not merely survive.

As a Corporate Parent, you're required to offer Care Experienced people meaningful opportunities to participate. You'll need to identify which activities are relevant and then make sure the opportunities you provide are available. In some instances, this might mean making it possible for Care Experienced people to engage in activities you're already doing. In other cases, you might need to develop or procure new activities specifically targeted at this community.

Different Corporate Parents will meet this duty in different ways depending on their focus and function. However, all Corporate Parents are employers. Importantly, as an employer, you can offer opportunities for work experience, training or employment.

[i] Section 58(1)(d) of the Act and paragraphs 88-94 of the Guidance.

5 Take action to help Care Experienced people, (a) access the opportunities you're providing and (b) make use of services, and access support, available.[i]

It's important to bear in mind that Care Experienced people often face additional barriers to participate in opportunities that many of us take for granted. These can include: limited access to transport and finances; unstable housing arrangements; childcare and other caring responsibilities; access to the internet/technology, etc. As a Corporate Parent, you must act to help Care Experienced people overcome these barriers, so that they can benefit from the opportunities, services and support available (even if you're not providing the service or support directly). Providing wraparound support to participate in any opportunity you create including providing free transport, catering, childcare, etc will be essential when engaging with the Care Experienced community.

[i] Section 58(1)(e) of the Act and paragraphs 95-99 of the Guidance.

THE CORPORATE PARENTING DUTIES

6

Take any other action you consider appropriate to improve the way you work with Care Experienced people.[i]

It is so important to keep your work with Care Experienced people under review and look for ways to improve and be the best Corporate Parent you can be. For example, you could regularly work with Care Experienced people to review your progress so far and regularly collaborate with other Corporate Parents to share best practice.

Meeting your Corporate Parenting duties is not a process with an end date, but rather a permanent part of your policy, practice, and culture. It is an opportunity to be a socially responsible organisation that supports Care Experienced people to thrive.

[i] Section 58(1)(f) of the Act and paragraphs 100-102 of the Guidance.

We hope this guide helps to inform your Corporate Parenting plan, which should lay out how you intend to support the Care Experienced community. You can find other guides and resources like this on our [learning hub](#).



If you would like to discuss this document further or request training for your team please get in touch with us, we'd love to hear from you.



[Click here to view our website.](#)



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