



Centre for excellence
for looked after children in Scotland

Implementation Note: 5

Corporate Parenting: Promote, opportunities, access

Implementing Section 58(1)(c),(d)&(e)

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Improving care experiences

This is the fifth in a special series of 'implementation notes' developed by CELCIS, with support from corporate parents, to assist in the implementation and enactment of a specific duty (or a set of duties) included in Part 9 (Corporate Parenting) of the Children and Young People (Scotland) Act 2014 (the Act).

The aims of each implementation note are to:

- Assist corporate parents in deciding 'how' they will meet their 'corporate parenting' duties.
- Identify solutions to the practical challenges faced by corporate parents, associated with implementing duties 'in so far as is consistent with the proper exercise of their other functions'.
- Support corporate parents in their efforts to make a positive and meaningful contribution towards improving the lives of looked after children and care leavers.

Implementing Section 58: promote, opportunities, access

Implementation is the process of putting a plan (or legislation or innovation) into effect. It's the 'doing' part and, as such, it's the part which largely determines whether a law is successful in delivering the change or outcome it was designed to. The text of a law rarely changes much on the ground; it's how relevant organisations and individuals put that law into effect which determines its impact.

Effective implementation of legislation requires leadership, planning, commitment, good communication and hard work. This paper considers how three of the duties outlined in Section 58(1) of the Act could be implemented by corporate parents: duties to 'promote the interests of looked after children and care leavers', to 'provide opportunities to participate in activities designed to promote wellbeing' and to carry out 'actions to help eligible children and young people access opportunities and make use of services'. This paper considers each of these duties in turn, defining relevant terminology and concepts as they arise.

Summary of Part 9

Collectively, the duties established by Part 9 are designed to ensure that the attention and resources of various publicly funded organisations are explicitly focused on the task of safeguarding and promoting the wellbeing of looked after children and care leavers. In particular, Section 58 of the Act states that every corporate parent must:

- Be alert to matters which, or which might, adversely affect the wellbeing of an eligible young person.

- Assess the needs of eligible children and young people for any services or support provided.
- Promote the interests of eligible children and young people.
- Seek to provide eligible children and young people with opportunities to promote their wellbeing.
- Take appropriate action to help eligible young people access those opportunities.
- Keep their approach to corporate parenting under constant review, seeking out improvement wherever possible.

Figure 1: Illustration of corporate parenting 'responsibilities'



Section 58(1)(c),(d)&(e): the statutory requirement

Section 58 of the Act states:

- 1 It is the duty of every corporate parent, in so far as is consistent with the proper exercise of its other functions:
 - c) to promote the interests of those [eligible] 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:
 - a. to access opportunities it provides in pursuance of paragraph (d),
 - b. to make use of services, and access support, which it provides.

Taken together, these duties are the key to improving the experiences and outcomes of looked after children and care leavers. Many corporate parents will be familiar with, and be working according to, the Getting it right for every child (GIRFEC) practice model. These duties should be viewed in this context and can be seen as a way of 'getting it right for every looked after child'¹. As such, it is important to remember that this is as much about how existing (often universally available) services and opportunities are delivered as it is about what services or new opportunities are made available. For instance, school is a service provided to improve children's wellbeing, so these duties compel (the relevant) corporate parents to ensure school is as accessible and supportive to looked after children as it can be.

The duty to provide opportunities (Section 58(1)(d)) acknowledges that looked after children and care leavers will require something more than that which existing services can provide if their wellbeing is to improve. The duty on corporate parents is therefore to offer new, or extend existing, opportunities for them to participate in activities (i.e. groups, trips, classes, etc.). This applies to all eligible children and young people, from birth to their 26th birthday.

Promoting interests

This duty is about ensuring that you act in the interests of looked after children and care leavers. The phrase 'promote the interests' should be interpreted as 'pursuing advantage or benefit for'. In practical terms, it could be understood as taking decisions which socially, physically or educationally advantage looked after children and care leavers. In the case of younger looked after children, that will encompass parents and carers too.

To start with, assess any processes, procedures and systems that looked after children and care leavers may engage with, and ensure they do not have a negative impact on their wellbeing. This duty is not only about minimising harm, it is also about recognising and developing the strengths of looked after children and care leavers, and removing the barriers which stand in the way of them achieving (either on an individual or population-wide basis). You should engage with services users so that you can frequently review their experience. For example:

- Did they find it difficult to find the information they needed?
- Was it in a format they could understand?
- Could you be more positive about care leavers in terms of recruitment?

¹ For more information on the National Practice Model, please refer to the [Scottish Government National Practice Model](#) webpage.

You should be aiming to find ways to nurture the talents and interests of looked after children and care leavers wherever possible. Under [Part 5](#) of the Act, every looked after child and young person will have a Child's Plan, which outlines any wellbeing needs identified and how these will best be met. This should be a good guide as to how to promote the interests of an individual looked after child or young person. Many corporate parents will be partners in the children's services planning process under [Part 3](#) of the Act. This provides a good opportunity to work together (thereby fulfilling the duty to collaborate²), while also promoting the interests of looked after children and care leavers at a population level.

The actions taken to fulfil this duty will look different depending on the function and remit of your organisation. You may deliver services directly or indirectly to children and young people, and your functions may apply to the whole of Scotland or only to a particular administrative area. Appendix 1 outlines a tool to help you to think through how you can fulfil this duty.

Promoting the interests of a looked after child or care leaver may involve:

- **Reducing barriers** – For example, if a child or young person misses a health appointment they should not find themselves at the end of a long waiting list. Instead, you should ensure that any appointment is at a time and venue which works for the child, young person or carer. Similarly, if a looked after young person or care leaver is consistently late for a class or a work placement, you should take action to identify the cause, and secure a solution.
- **Recognising and nurturing strengths** – You could, for instance, provide support to a child or young person eager to engage in creative activities. In a similar vein, a health board could facilitate experience shadowing clinical professionals for a young person interested in pursuing a career in medicine.
- **Advocating for an individual or the eligible population** – You may, for example, make funding available for projects exclusively focused on disabled looked after children. Or you could highlight and describe the needs of looked after children and care leavers in your consultation responses, policy statements, campaigning and private influencing activity. Your work could centre on positive action to widen access to education, leisure or employment opportunities (on behalf of an individual or the population).
- **Tackling discrimination and upholding children's rights** – The process of being alert and assessing wellbeing needs (Section 58(1)(a)&(b)) may have identified instances where looked after children and care leavers are being inadvertently discriminated against or their rights are not being taken into consideration. In such instances you should seek to address these issues immediately.

² Please see Implementation Note 3 [Corporate Parenting: Collaboration](#).

The promotion of interests can take a wide variety of forms, some of which will be more relevant to certain corporate parents than to others. Corporate parents who work directly with looked after children and young people will be in a position to promote the interests of individual children and young people. Whereas a national organisation with no direct contact may have to restrict their promotional activities to ensuring that resources are directed towards projects explicitly involving looked after children and/or care leavers, or that the population are considered in national discussions and debates. One sign that the promote duty is being taken seriously within an organisation would be if the interests of looked after children, young people and families are clearly represented in any corporate documents, such as policies, annual plans, vision statements and evaluations.

Providing opportunities

Every corporate parent must, in so far as it is consistent with the exercise of their other functions, seek to provide opportunities for looked after children and care leavers to participate in activities which are designed to promote their wellbeing. The aim of this duty is to ensure the eligible population has access to a wide range of high-quality opportunities, above and beyond regular services, through which they can become successful learners, confident individuals, responsible citizens and effective contributors to their communities.

In practical terms, this duty requires you to extend, develop, provide and / or procure activities which offer looked after children and care leavers a chance to be safer, healthy, active, nurtured, achieving, respected, responsible and included (SHANARRI). Activities may address one or more of these wellbeing indicators - you do not necessarily have to provide activities which contribute to every indicator directly, but you must be able to show what activities you are making available (above and beyond regular services) and how these contribute to promoting wellbeing.

The word 'promoting' is important here. This duty is about more than safeguarding (protecting) wellbeing; corporate parenting is about improving wellbeing and therefore should be viewed as an opportunity to ensure this frequently marginalised group are offered high quality, life-enhancing experiences.

These four steps will help you to fulfil this duty:

- 1 Undertake a thorough needs assessment** – This will be regarding either an individual or the eligible population, depending on your functions. A [Child's Plan](#) should include details of the wellbeing needs of a looked after child, therefore collaboration with local authorities (who are responsible for these plans) will be key. More detail is available on the Scottish Government webpage on the [National Practice Model](#).
- 2 Identify relevant activities to meet the needs of eligible children** - The duties to be alert and to assess wellbeing needs³ should provide much of the

³ Please see Implementation Note 2 [Corporate Parenting: to be alert and assess](#).

necessary information, especially in cases where relevant, direct consultation with children and young people has taken place.

- 3 Understand how looked after children and care leavers can be supported to participate** - You should think about how carers (including family members), professionals and other trusted adults could be involved, both in providing relevant information and in assisting with participation.
- 4 Ensure the relevant activities are available and accessible** - In some cases, it may be necessary for you to develop or procure new activities; these could include, for example, outings for looked after children, modern apprenticeship schemes for care leavers, mother and baby groups, early learning and childcare for under 2's. You may already offer a wide variety of relevant opportunities, and you must ensure it is possible for looked after children and care leavers to both engage in and benefit from them.

As with all duties under Section 58, it is expected that you will fulfil this duty in a variety of ways, depending on your function and focus - whether you are a direct or indirect service provider, for example. The key to success for all corporate parents will be collaboration. You can collaborate to pool resources so that providing certain activities becomes viable, share relevant information so that eligible young people can access exiting opportunities, and so on. As an employer, you can also offer opportunities for work experience, training or employment. Providing volunteering opportunities may also be possible and / or you could encourage and support your employees to become mentors for young looked after children and care leavers. Other organisational functions, such as inspection or reviewing funding applications, could be adjusted to allow the eligible population to participate.

What is important is that you enact this duty in a way that promotes the interests of eligible children and care leavers, while enabling you (as an organisation) to improve delivery of your other functions. Providing opportunities that offer children and young people a chance to improve their wellbeing, as well as add value to your organisation (or your staff), are likely to be most well-received and sustainable.

Points to note:

Five points to note when thinking about the opportunities you can offer:

- 1 How can you provide opportunities to ALL looked after children and care leavers?** Corporate parenting duties apply to all looked after children and care leavers up to the age of 26, regardless of placement type. Where possible you should consider how you can provide opportunities to younger and older looked after children and care leavers; this may mean providing opportunities to parents or carers of very young looked after children.
- 2 How can you provide activities that contribute to wellbeing?** Corporate parents with a particular focus (such as housing, education or health) may wish to tailor their activities to the relevant aspects of children's wellbeing. The breadth of corporate parents included on Schedule 4 should ensure that, collectively, the

varied needs of looked after children and care leavers are covered appropriately. This is not to say that you should restrict yourself from providing opportunities across the wellbeing indicators, rather that you could focus your efforts on where you believe they would have the most impact.

- 3 What steps will you take to promote the interests of looked after children and care leavers?** Corporate parents have a duty to promote the interests of looked after children and care leavers, and to ensure support and services are accessible to them, so that they have opportunities to enhance their wellbeing. If an issue of availability and accessibility arises, you must take steps to address this, or advocate on behalf of looked after children and care leavers (for example, for activities to be made available by other corporate parents).
- 4 How will you ensure opportunities are not one-off chances?** Looked after children and care leavers should have multiple opportunities to participate in activities, and should not be penalised if they are unable to participate (for whatever reason). For instance, if a young person does not take up a modern apprenticeship, this should not exclude them from applying again in the future.
- 5 How will you ensure children and young people are aware of, and supported to, take part in activities?** It will not be sufficient to simply make opportunities available. Corporate parenting plans and reports should be explicit about how you informed and enabled looked after children and care leavers to participate in the activities made available. Further information on supporting young people to access opportunities is included in the section below.

Accessing opportunities

As a corporate parent, you must ensure that looked after children and care leavers can (and do) access the specific opportunities you provide for them (under Section 58(1)(d)), as well as the services and support you provide to all children, young people and families - such as housing services, careers advice, mental health services, and so on.

Looked after children and care leavers face many barriers to participating in activities and engage with services and support. These barriers can be financial, social or systemic (where some of them are a direct result of an individual's pre-care and in-care experiences). Common practical barriers can include:

- Limited access to transport and finances
- Frequent changes of residence
- Childcare and other caring responsibilities
- Low levels of numeracy and literacy
- Lack of confidence in socially isolated carers

Considerable emotional barriers also need to be taken into account, including: unresolved trauma, fear of failure, loss and rejection, and any problems related to drug and alcohol misuse. Engagement with services and opportunities often requires a relatively high level of self-esteem and confidence, which some looked after children and care leavers may not have had the chance to develop. Children's mental and physical disabilities may also limit opportunities to participate.

We recommend the following steps to ensure that the opportunities, supports and

services corporate parents offer are accessible:

- 1 Engage** with children and young people (either directly or indirectly) to assess their needs, and consider any matters which might adversely affect their wellbeing. This engagement and assessment should provide an understanding of the barriers they face.
- 2 Identify** and **implement** appropriate actions to overcome the barriers looked after children and care leavers face, so that they can benefit from the opportunities, services and support available to them. The actions taken will depend on children and young people's rights to privacy, your duty to share information responsibly, and considerations about the risk of stigmatising children, practicalities and financial viability.
- 3** Keep eligible children and young people **informed** of the opportunities, services and support available to them. This will require close cooperation with local authorities, as they will have the most direct and regular contact with looked after children, care leavers and their carers. Links could also be built with private and third sector organisations who also provide care and support. You should put in place your own systems to keep eligible children and young people informed, including direct interaction, designated staff, publications, websites and social media.

Consider all avenues

You should consider the role families, carers and other trusted adults (including professionals) will play in enabling children and young people to access opportunities. Not only will these individuals be a valuable source of information about why children and young people experience difficulties engaging with a service or taking up an opportunity, they will also be an important source of support, helping to facilitate a child or young person's engagement.

Where barriers to participation in activities or engagement with support have been identified, the duty to improve access requires you to take action that you consider appropriate to address them. In the case of limited access to transport, for instance, appropriate action may be to organise free public transport, or to agree start and finish times which fit around the individual's availability. Where the barriers are primarily emotional, appropriate action may be to offer a mentor or to structure the activity in such a way as to minimise risk.

For those corporate parents who offer limited opportunities directly to looked after children and care leavers, and who do not provide services or support directly, there is still an important role in eliminating barriers to participation in all areas of daily life - including social, cultural and educational. All corporate parents, regardless of their other functions, can play a role in improving access to opportunities, services and support; corporate parenting plans and reports should state clearly what actions the corporate parent (or group of corporate parents) have taken to fulfil this duty.

Fulfilling these duties along with other parts of the Act

Keep in mind that fulfilling these duties will be facilitated by the work you will be doing to meet your other duties under Section 58. For example, when you undertake 'assessment of need' and 'being alert to matters which might adversely affect their wellbeing', you should be in a position to identify the most appropriate ways in which you can promote the interests of looked after children and care leavers - the kinds of opportunities that would promote their wellbeing - and the barriers that they may face in accessing opportunities, services and supports.

Please note that these duties, particularly the duty to promote the interests of looked after children and care leavers, are directly linked in with the obligations set out in the [United Nations Convention on the Rights of the Child \(UNCRC\)](#), and the obligations set out in [Part 1 \(Rights of Children\)](#) of the Act.

Consistent with the proper exercise of its other functions

Relevant to all duties set out under [Section 58 of the Act](#), corporate parents are required to enact their corporate parenting responsibilities in a manner which is consistent with the proper exercise of their other functions. This means you do not have to fundamentally change what you do in order to fulfil these duties. Instead, you must find a way of fulfilling these duties through your main activities / functions. If, as part of your other functions, you regularly interact with children and young people directly, you must consider how you will incorporate these duties into those activities. But, if you have no direct interaction with children and young people, you will need to think about how your existing functions can be adapted to help you fulfil these duties. For instance, consider whether you could request new data from those you regulate / fund or refine the 'service user' groups you consult with.

It is important to note that 'consistent with the proper exercise of its other functions' is not permission for corporate parents to do nothing because they believe there is some conflict between Section 58 and their day-to-day activities. [Section 58\(1\)\(c\),\(d\)&\(e\)](#) clearly require every corporate parent to pay explicit attention to looked after children and care leavers, and to consider how their activities and functions can be used to safeguard and promote the wellbeing of any eligible child or young person. In some cases, you will need to be innovative and imaginative in how you fulfil these duties, but the effort must be made.

Appendix 1: thinking about how to promote the interests

Identifying and overcoming barriers:

Wellbeing area/indicator	Barriers identified	Impact on young person/ population	Solutions identified	Solution adopted

Recognising and nurturing strengths:

Wellbeing area/indicator	Strengths identified	Impact on young person/ population	Solutions identified	Solution adopted

About CELCIS

Our goal is simple. We want to make a difference. We are totally committed to making positive and lasting improvements in the experiences, life chances and outcomes for Scotland's looked after children and young people. Taking a multi-agency, collaborative approach towards making lasting change in thinking and ways of working, with everyone whose work touches the lives of looked after children.

For more information

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