



Centre for excellence
for looked after children in Scotland

Implementation Note: 2

Corporate Parenting: to be alert and assess

Implementing Section 58(1)(a) & (b) of Part 9

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This is the second 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 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(1)(a) & (b) of Part 9

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 aims to help you, as a corporate parent, to consider how duty 58 (1)(a) 'to be alert' and duty 58 (1)(b) 'to assess the needs' could be implemented. In doing so, the 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.

Under Sections 60 – 65, corporate parents must also publish detailed corporate parenting plans and reports, collaborate with each other, follow directions and guidance, and provide relevant information to Scottish Ministers.

Figure 1: Illustration of corporate parenting 'responsibilities'



To be alert and to assess: the statutory requirement

Section 58 - Corporate parenting responsibilities:

- 1 It is the duty of every corporate parent, in so far as is consistent with the proper exercise of its other functions:
 - a) To be alert to matters which, or which might, adversely affect the wellbeing of an eligible young person.
 - b) To assess the needs of those children and young people for services and

support it provides.

Consistent with the proper exercise of its other functions

Relevant to all duties set out under [Section 58](#) of the Act, a corporate parent is required 'to be alert' and 'to assess the needs' in a manner which is consistent with the proper exercise of their other functions. This means that a corporate parent does not have to fundamentally change what it does in order to fulfil these duties. Instead, every corporate parent must find a way of fulfilling these duties through their main activities / functions. If, as part of your other functions, you regularly interact with children and young people directly (e.g. by providing a service to children or families) you must consider how you will incorporate these duties into those activities. But if, by contrast, 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 example, you could request new data from those you regulate / fund, or you could refine the service user groups you consult with.

'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)(a) & (b) clearly requires every corporate parent to pay explicit attention to looked after children and care leavers, and to consider how their (the corporate parents') activities and functions can be used to safeguard and promote the wellbeing of any eligible young person. In some cases, corporate parents will need to be innovative and imaginative in how they fulfil these duties, but the effort must be made.

Wellbeing

The term 'wellbeing' is a statutory concept, put into law by [Section 96](#) of the Act. It encapsulates a child's current life and development, illustrated across eight indicators (often referred to as [SHANARRI](#) and illustrated in the [wellbeing wheel](#)). From a practical perspective, looking at a child or young person's 'wellbeing' is about asking a series of questions:¹

- Is the child / young person safe?
- Are they healthy?
- Are they achieving?
- Are they nurtured?
- Are they active?
- Are they respected?
- Are they responsible?
- Are they included?

¹ For further information on 'wellbeing', assessment and the Getting it Right for Every Child practice model, please see the Getting it Right pages of the Scottish Government website - <http://www.gov.scot/Topics/People/Young-People/gettingitright>

A child's 'wellbeing' should be seen as a multi-dimensional and interdependent construct, with issues in one domain (i.e. healthy or respected) impacting upon others. For example, how a child achieves at school is not just determined by their experiences in the classroom and playground, but also their circumstances at home, relationships in their community, their diet and so forth.

Establishing 'wellbeing' as a statutory concept was conceived as a way of getting all professionals (and other important adults) to look at all aspects of a child's life, rather than in a specific context or silo (for example, school or home). Every aspect of a child's life affects every other aspect of their life, and we need to consider that when we are trying to identify who needs extra support in order to flourish, and what that support should look like.

It is important that, as a corporate parent, you understand the concept and expected practice around wellbeing. The duties set out in Part 9 are focused clearly and explicitly on safeguarding (preventing from deteriorating) and promoting (improving) the wellbeing of looked after children and care leavers. In respect of Section 58 (1)(a) & (b), the focus is also about wellbeing. Corporate parents are required to 'be alert to matters which, or which might, adversely affect wellbeing' and 'to assess the [wellbeing] needs' of eligible children and young people.

Wellbeing is at the very heart of the Getting it Right for Every Child (GIRFEC) approach. With the commencement of Parts 4 (Named Person) and 5 (Child's Plan) of the Act, GIRFEC will represent the national statutory approach to childhood assessment, planning and support.

Some corporate parents may already be familiar with GIRFEC and wellbeing, and may have developed sophisticated ways to assess and keep alert to children's wellbeing needs. For other corporate parents these terms may be relatively new, and thought will need to be given as to how they can establish - in ways which are consistent with their other functions - systems to assess and keep alert to whether an individual child and/or the eligible population is safe, healthy, achieving, nurtured, active, respected, responsible and included.

For further detail about wellbeing and the GIRFEC approach, please refer to Appendix 1.

For further information on how corporate parents should prepare for implementation, including reviewing what systems are needed, please refer to [Implementation Note 1: Corporate Parenting: Enabling implementation of Part 9](#).

Eligible young person

An 'eligible young person' is any person to whom Part 9 (Corporate Parenting) applies. At present this is:

- a) all looked after children, regardless of their age, placement type or the legal means by which they are 'looked after', and
- b) all care leavers, which means: (i) prior to April 2015, any young person (aged 16 to 25) who ceased to be looked after on or after their minimum school leaving age, and (ii) from April 2015, any young person (aged 16 to 25) who ceased to be looked after on or after their 16th birthday.

Scottish Ministers have the power to describe additional categories of eligible young people in the future.

To be alert to matters [...]

Every corporate parent must have a system in place to keep them informed about 'matters' (issues) which are, or which might, have a negative impact on the wellbeing of individual children or young people and / or the eligible population as a whole. The tightness of focus will be on those things determined by a corporate parent's other functions, and the services / opportunities they provide to eligible children and young people.

For an individual child or young person, examples of relevant matters include:

- Changes of placement and / or residence
- Changes in the accessibility of a specific service
- Interaction with the justice system (as either a victim or witness)

For the eligible population as a whole (or groups within that), examples of relevant matters include:

- Changes to UK benefit rules
- The introduction of a high-profile inquiry relevant to the care system

If corporate parents are to operate in a person-centred, outcome orientated way, probably the most effective means of identifying matters which (or which might) adversely affect wellbeing is to engage directly with eligible children and young people (as well as parents and carers, where appropriate). Through engaging in dialogue, corporate parents will be able to identify, understand and address the issues which matter most to looked after children and care leavers.

Achieving this level of engagement does not necessarily require the establishment of complex new systems. Nor does it preclude those corporate parents who do not provide services directly to children, young people and families.

There are already a range of well-established mechanisms of direct engagement with looked after children and care leavers, including (and primarily) existing relationships

with professionals, carers, advocates, mentors and other significant adults. Where appropriate, information from these people should be fed back and captured in the Child's Plan (see [Part 5 of the Act](#)) or other relevant planning tool. Alongside these daily interactions, corporate parents may (where appropriate and with regard to their other functions) provide opportunities for children, young people, families and carers to raise issues and concerns with them directly. This might be through service user groups, Champions Boards or even social media. Any such opportunities should be well publicised, and thought must be given to their accessibility - the age range of the eligible population is broad and a significant proportion may require additional support to engage and communicate.

In view of the duty on corporate parents to collaborate (Section 60) and avoid duplication, corporate parents should actively consider (as part of their ongoing planning process) how engagement can be coordinated and information shared. In particular, those corporate parents who do oversee direct engagement activities (of whatever form) should endeavour to share relevant information with other corporate parents. We are not, in this instance, necessarily referring to information sharing about individual children and young people (for which there are explicit rules and guidance), but rather the collation and analysis of information with a view to identifying common issues and patterns which might adversely affect the wellbeing of eligible children. This type of collaboration, with direct service providers and engagers developing and sharing a detailed picture of the wellbeing of eligible children, will not only help facilitate planning, monitoring and review, but it will significantly increase the potential impact of Part 9. By enabling all corporate parents to develop a good idea of the matters which are affecting eligible children and young people, they will be able to think strategically about the types of services, support and opportunities they make available, and critically evaluate whether those are delivering positive change for the people they are supposed to be helping.

In addition to information received via engagement with eligible children and relevant professionals and adults, corporate parents should look to information provided by third sector organisations, academic research, and data published by the Scottish Government and its agencies.

Why is it important to 'be alert'? Isn't that someone else's job?

Remaining alert to the wellbeing of looked after children and care leavers is every corporate parents job for a number of reasons. Importantly, it benefits eligible children, helping to ensure that the services and opportunities made available to them are relevant and accessible. Services and opportunities which are not these things, however well-intentioned and resourced, will not safeguard or improve wellbeing. But equally importantly, being alert also benefits corporate parents. These organisations have a strong financial incentive to ensure that their services match the needs of the eligible

population, and a socio-political imperative to evidence that their actions actually improved people's lives.

To assess the needs [...]

As the [statutory guidance](#) on Corporate Parenting states, the duty to assess needs is important to ensure that any services and opportunities made available are relevant and accessible to the wide range of looked after children and care leavers. All corporate parents - without exception - are involved in work which impacts on the lives of looked after children and care leavers in some way, either by delivering services directly to them and their families, or by regulating, inspecting or resourcing the structures (and services) in which they live their lives.

As such, all corporate parents must have some knowledge of eligible children's needs and an understanding of their role in addressing them. The statutory corporate parenting role exists because these vulnerable children and young people have frequently been seen as 'someone else's responsibility', or that, as a professional or organisation, the role was supportive, rather than centre stage. The inclusion of such a wide variety of organisations on Schedule 4 is an explicit statement that all of these organisations are centre stage, that promoting (improving) the wellbeing of this population cannot be done without the proactive efforts of all them, and that these vulnerable children are everyone's responsibility. Looked after children and care leavers should no longer 'slip through the net' because it is assumed that someone else is looking out for their best interests.

Services and support it provides

Before considering what assessing needs might actually look like, it is important to clarify two terms included in the legislation. The first is 'services and supports it provides'. This phrase should be read as referring to the functions of the corporate parent which are available and / or relevant to eligible children and young people. Whether the function is about delivering a service or monitoring the quality of a service, it may have an impact on the lives of looked after children and care leavers. Indeed, considering that the vast majority of Part 9's target population live in the community, alongside every other young person in Scotland, it is almost guaranteed that any corporate parent's function related to children, young people (16 – 25 years old) and families will be relevant. If they are not, or it is thought they are not, a corporate parent should be able to articulate why this is the case.

As part of a corporate parent's preparations for effective implementation, we recommend that each undertake a baseline assessment of what services and functions they currently provide to looked after children and care leavers. For further details, please refer to [Implementation Note 1: Corporate Parenting: Enabling implementation of Part 9](#).

The needs of those children and young people

Next is 'the needs of those children and young people'. In the context of the Act, the term 'needs' should be read as 'wellbeing needs'. A child or young person has a wellbeing need if any aspect of their wellbeing (SHANARRI) is, or is at risk of being, adversely affected.² For example, if a child is unable to participate in regular physical activity, they have a wellbeing need. The active and healthy wellbeing indicators (among others) are clearly adversely affected by an inability to participate in regular physical activity, and additional support for a child / family may be needed in order to meet the need.

To assess

The assessment of needs under Part 9 is likely to take many forms, reflecting the varied functions of corporate parents. But in every case it should begin with a general assessment of how the work ('other functions') of a corporate parent impacts (and may impact) on the lives of looked after children and care leavers.

Please see [Implementation Note 1: Corporate Parenting: Enabling implementation of Part 9](#) for further details on how corporate parents may wish to undertake this general assessment of impact.

The following steps have been devised to help corporate parents ensure that they are meeting their obligations under Section 58 (1)(b):

- 1** Identify how your organisation currently impacts (and could impact in the future) on the wellbeing of all children and young people. You could do this by SHANARRI indicator (i.e. 'how do we help keep children nurtured') or by organisational function. Note down everything, even if you have no evidence to prove it at this time.

If you cannot identify any impact (current or potential) between a function and children's wellbeing, consider why you think this is (and record that thinking down). Is the absence of any impact OK in view of your other functions, or does it merit action to redress it?

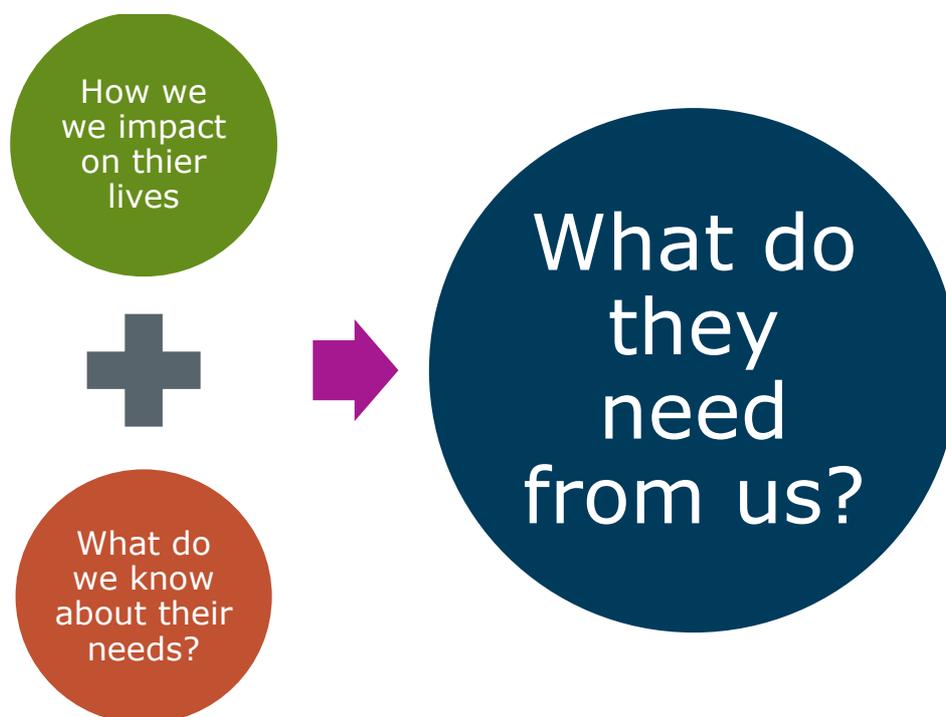
- 2** Set out what you know about the eligible population. In particular, detail how the eligible population use the services and support you provide (your 'other functions').

² Guidance on the assessment of wellbeing will shortly be issued by the Scottish Government as part of the statutory guidance to accompany Parts 4, 5 and 18 (Section 96) of the 2014 Act. The duty on corporate parents to assess needs is, however, different from the duty to assess the wellbeing of a child, as set out in Part 4 of the Act. Nevertheless, the guidance on Parts 4, 5 and 18 will be informative, and provide useful context for corporate parents.

What information can you draw on to fulfill this step? If you do not know about the eligible population's use of your services, do you need to put new systems in place? What information of 'needs' is generally available? (See section on 'To be alert' above.)

Drawing on the information collated in these two steps, you should have an idea (ranging from the very detailed to the very general) of the needs of looked after children and care leavers in relation to the services and support you provide. Refining this picture may require collaboration with other corporate parents and direct consultation with eligible young people and their carers / families.

Figure 2: Assessing the needs of looked after children, young people and care leavers



Assessing needs in the context of GIRFEC

It is important to note that, in most cases, an up-to-date assessment of the wellbeing needs of a looked after child or care leaver should already have been carried out, and be available to those organisations (where appropriate) who are responsible for delivering the actions necessary to safeguard or promote the individual's wellbeing. This is because, from August 2016:

- Every looked after child in Scotland should have a Child's Plan, in which their wellbeing needs are recorded.³
- Every care leaver in Scotland (up to their 18th birthday) is likely to have a Child's Plan, in which their wellbeing needs are recorded.
- Young people who are beyond their 18th birthday but not yet 26, and who are involved with aftercare services, should have their wellbeing needs recorded in a plan (sometimes referred to as a 'Pathway Plan').

In this context, it should not be necessary for most corporate parents to assess needs for individuals under Part 9. In the majority of cases the process should have already been undertaken to inform the Child's Plan (or other equivalent plan for young people), with the resultant information available to organisations identified as having a role in safeguarding or promoting that child or young person's wellbeing. In these instances, the corporate parent's duty is to assess whether any of the needs identified in the Child's Plan (or equivalent) can be met through the services and support they provide.

There will be situations, however, where no plan is in place (such as for a care leaver who is not engaged with aftercare services). In these cases, corporate parents must have systems for assessing the needs of individuals seeking the support and services they provide. For those organisations where this will be a significant innovation on current practice, we recommend reading Appendix 1 below, the [GIRFEC pages of the SG website](#), and the statutory guidance on Parts 4, 5 and 18 (when published). It may also be useful to explore potential collaborations with corporate parents who are experienced in undertaking assessments.

Assessing needs: Indirect Service Providers

Corporate parents who do not provide services directly to children and young people may only be able to conduct a general assessment of the population's needs. Such assessments should be based on the population-level information generated by service providing corporate parents and other external sources (academic research, third sector input, etc.).

Please note that, even though a corporate parent may not provide services and support directly, undertaking a good quality population-level assessment of needs is still very important. The duty to assess, like the duty to be alert, enables corporate parents to fulfil their other duties (e.g. planning⁴, identifying opportunities through which the wellbeing of looked after children and care leavers can be promoted, and so on).

A general assessment of population need may also be sufficient for those corporate parents who provide services directly to children and young people, but who are not

³ From August 2016 a Child's Plan will be a statutory requirement for all children requiring a targeted, multi-agency intervention. For further details on the Child's Plan, please read the [draft Statutory Guidance on Part 5: Child's Plan](#).

⁴ Section 59 of the 2014 Act

always able to identify looked after children or care leavers within the general population. However, before making do with a general assessment of the population, we would strongly urge these corporate parents (such as the Police, colleges and universities) to thoroughly explore options for how they might identify eligible young people covered by Part 9. For example, the 16+ Learning Choices Data Hub (administered by Skills Development Scotland) may enable providers of 16+ education to direct their services and support to looked after children and care leavers.

Direct Service Providers

Where a corporate parent does provide services and support to children and young people, they will need to have systems in place for assessing the wellbeing needs of individuals. In most cases these systems will have had to be established to meet the statutory requirements set out under other parts of the Act. The information from such assessments of looked after children and care leavers should be recorded in the Child's Plan, or equivalent plan / record for young people aged 18 and above.

In addition to carrying out individual-level assessments for the support and services provided, the group of 'direct service provider' corporate parents should make an effort to collate and analyse the information they hold, sharing it with other corporate parents. This would not only be a very useful and practical way in which to fulfil the duty to collaborate⁵, but also an important way for direct service providers to alert other corporate parents to the breadth and depth of wellbeing needs experienced by this vulnerable population. That, in turn, should enable and encourage other corporate parents to develop (or extend) services, support and opportunities which help meet those needs. In this vein, the information provided by direct service providers will be critical to shaping corporate parenting plans and reports⁶, as well as the evaluation of services and support.

Why is it important to assess the needs? Isn't that already being done by others?

The aim of this duty is to ensure services and support are relevant and accessible to looked after children and care leavers. Some of the benefits of assessing the needs are:

- **Improving outcomes for looked after children, young people and care leavers** - identifying and assessing needs is a first step to meeting them.
- **Early identification of problems or issues** - identifying needs early allows them to be dealt with early. This means in the longer term there should be fewer complex needs requiring expensive specialist resources.

⁵ Section 60 of the 2014 Act

⁶ There are important links here with the duties placed on Community Planning Partners to prepare 'Children's Services Plans' (Part 3 of the Act); guidance on these duties will be available from the Scottish Government from 2016.

- **Better value for money** - identifying needs allows resources to be targeted appropriately.
- **More stable placements and/or less disruption in a young person's life** - if a young person's needs are met they will have more stability in their lives.
- **Build knowledge of what works and why** - assessing and monitoring needs, as part of a coordinated plan to achieve better outcomes, will allow corporate parents to evaluate what works and understand why it works.
- **Demonstrate effectiveness of your service/organisation** - when a corporate parent can show that they have identified a need and addressed it, they will demonstrate not only their effectiveness as a corporate parent, but as an organisation as a whole.

Relationship to other corporate parenting duties

[Section 60](#) of the Act requires all corporate parents to collaborate with each other - in so far as it is reasonably practicable - when exercising their corporate parenting duties, where they consider that doing so would safeguard or promote the wellbeing of relevant children and young people. As mentioned above, collaboration will be critical to ensuring that all corporate parents have access to relevant data with which 'to be alert' and 'to assess' the needs of eligible children and young people (those covered by Part 9). Good collaboration will be particularly important to ensure that corporate parents who do not work directly with children and young people can meet their obligation to assess need⁷.

Good assessments of need, at the individual level and/or at the population level, will help corporate parents to meet their related obligations to:

- Promote the interests⁸ of looked after children and care leavers
- Provide them with opportunities to participate in activities which promote wellbeing⁹
- Identify actions that could help eligible children and young people access opportunities and make use of services¹⁰

Over time, as corporate parents identify needs, take steps to address them and evaluate their success in doing so, they will begin to identify ways in which they can improve how they exercise their duties under Part 9¹¹.

Under Section 59 of the 2014 Act, corporate parents must prepare, keep under review and publish a corporate parenting plan. This plan must detail how the corporate parent proposes to fulfil all of its obligations under the act. Section 61 requires corporate parents to report on how they have exercised their responsibilities (Section 58) and other functions under Part 9. Section 62 of the Act requires that corporate parents must provide Scottish Ministers with information on how they have exercised their duties under Section 58 and other functions under Part 9. All of these duties require a corporate

⁷ For further details, please see [Implementation Note 3: Collaboration](#).

⁸ Section 58(1)(c) of the 2014 Act

⁹ Section 58(1)(d) of the 2014 Act

¹⁰ Section 58(1)(e) of the 2014 Act

¹¹ Section 58(1)(f) of the 2014 Act

parent to show how they assessed need, planned actions in response to that assessment, delivered the actions, and then assessed needs again to measure if outcomes were achieved. In short, assessment underpins all of Part 9, and the success of corporate parenting depends, to a significant degree, on the quality of the assessment¹².

Authors note

Please note this paper does not replace or supersede the Scottish Government's Statutory Guidance on Part 9 (Corporate Parenting), published in July 2015, to which all corporate parents must have regard. As implementation of Part 9 will look different for each corporate parent, in view of their distinct functions and context, guidance or papers cannot provide a simple 'how-to' guide. As such, this series of implementation notes have no statutory basis but instead provide additional, optional advice and ideas, as well as generic 'good practice' in respect of the fulfilment of specific corporate parenting duties. The Scottish Government and its agencies may also refer to these papers when reviewing corporate parents' performance.

For tailored advice and guidance, corporate parents should contact CELCIS directly.

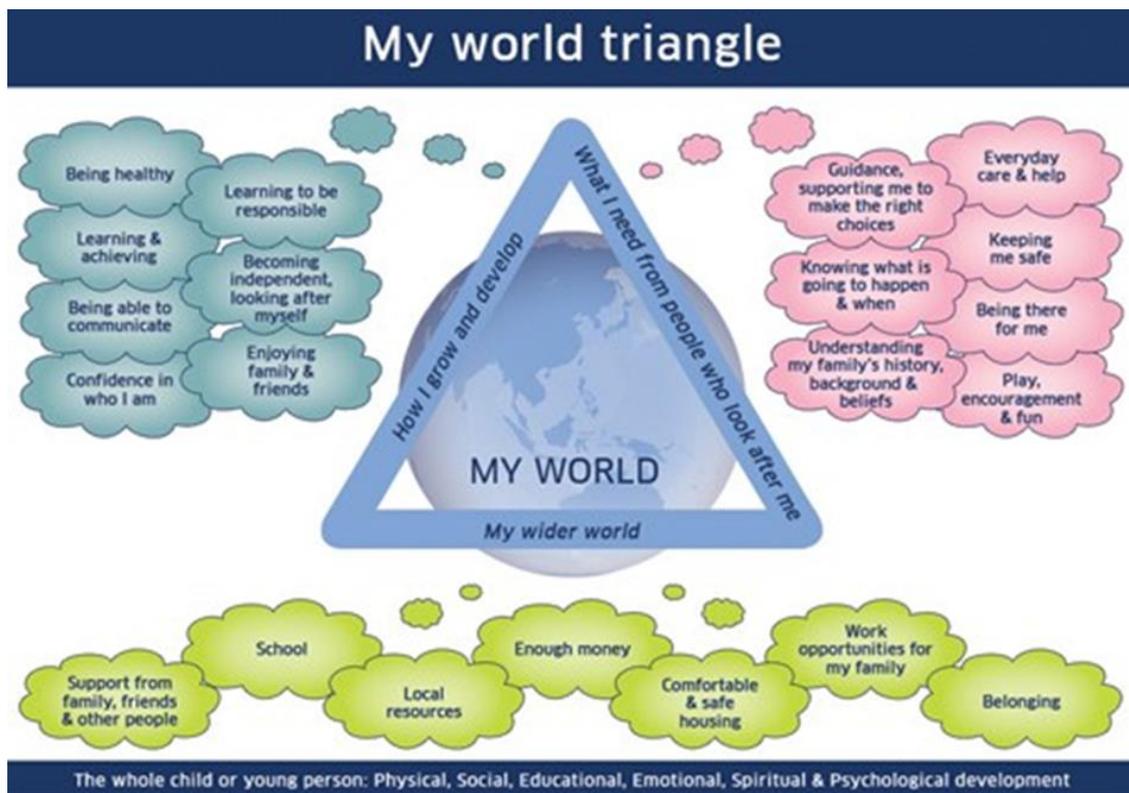
¹² For further details, please see [Implementation Note 4: planning and reporting](#).

Appendix 1: GIRFEC National Practice Model

The National Practice Model¹³ was developed to help practitioners to think about a child's wellbeing in a clear and systematic way. One element of the National Practice Model which will be relevant to corporate parents is the 'My world triangle'. This can provide a jumping off point to help corporate parents think about where their organisation or service has the potential to help to ensure that wellbeing needs are met, either directly or indirectly.

The 'My world triangle' provides a mental map which can help corporate parents to think about a child's experience and identify needs and risks to a child's wellbeing under the headings: 'How I grow and develop', 'What I need from people who look after me' and 'My wider world'. Often there are interactions between different parts of the child's whole world. Some corporate parents will be in a position to influence all of these elements, and may be well-versed in doing so. Other corporate parents may see their role as influencing only one or a few of these elements, for example, in helping young people to gain work opportunities, to access local resources or to enable them to be more safe, active or included.

Figure 3: My world triangle



¹³ Please see here for more details on the National Practice model: <http://www.gov.scot/Topics/People/Young-People/gettingitright/national-practice-model>.

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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