

CHILDREN AND YOUNG PEOPLE (SCOTLAND) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 9 – Corporate Parenting

Section 56 – Corporate parents

134. This Part of the Act gives effect to a concept of “corporate parenting”. This concept involves placing new duties on certain public bodies to act in particular ways in support of certain children and young people. The public bodies are called “corporate parents” and the duties are “corporate parenting responsibilities”.
135. Subsection (1) of this section provides that those people listed, or included within a description which is listed, in schedule 4 are “corporate parents” (subject to subsections (3) and (4)).
136. Subsection (2) provides that the Scottish Ministers can, by order, modify schedule 4 by adding a person or description of persons, removing an entry or changing an entry. Such an order is subject to affirmative procedure by virtue of section 99(2) (subordinate legislation). Subsection (5) provides that an order under subsection (2) which adds a person, or a description of persons, to schedule 3, may modify this section so as to provide that the person is not a corporate parent for the purposes of section 64 (directions).
137. Although the Scottish Ministers are corporate parents, there is an exception for them in relation to certain of the provisions (see subsection (3)). This is because of their special position in relation to some of the duties. Also, subsection (4) provides that the Commissioner for Children and Young People in Scotland and “post-16 education bodies” are not corporate parents for the purposes of section 64.
138. Subsection (6) provides that references in this Part to the “corporate parenting responsibilities” of a corporate parent are to the duties conferred on that corporate parent by section 58(1). (These duties may end up being slightly different in relation to different corporate parents: see section 58).