



# Children and Young People (Scotland) Act 2014

2014 asp 8

## PART 9

### CORPORATE PARENTING

#### 56 Corporate parents

- (1) The persons listed, or within a description listed, in schedule 4 are “corporate parents” for the purposes of this Part (subject to subsections (3) and (4)).
- (2) The Scottish Ministers may by order modify schedule 4 by—
  - (a) adding a person or description of persons,
  - (b) removing an entry listed in it, or
  - (c) varying an entry listed in it.
- (3) The Scottish Ministers are not corporate parents for the purposes of sections 61 to 64.
- (4) The following persons are not corporate parents for the purposes of section 64—
  - (a) the Commissioner for Children and Young People in Scotland,
  - (b) a body which is a “post-16 education body” for the purposes of the Further and Higher Education (Scotland) Act 2005.
- (5) An order under subsection (2) which adds a person, or a description of persons, to schedule 4, may modify this section so as to provide that the person is not a corporate parent, or the persons within the description are not corporate parents, for the purposes of section 64.
- (6) In this Part, references to the “corporate parenting responsibilities” of a corporate parent are to the duties conferred on that corporate parent by section 58(1).

#### 57 Application of Part: children and young people

- (1) This Part applies to—
  - (a) every child who is looked after by a local authority, and
  - (b) every young person who—

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- (i) is under the age of 26, and
- (ii) was (on the person's 16th birthday or at any subsequent time) but is no longer looked after by a local authority.

- (2) This Part also applies to a young person who—
- (a) is at least the age of 16 but under the age of 26, and
  - (b) is not of the description in subsection (1)(b)(ii) but is of such other description of person formerly but no longer looked after by a local authority as the Scottish Ministers may specify by order.

## **58 Corporate parenting responsibilities**

- (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), and
    - (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.
- (2) The Scottish Ministers may by order—
- (a) modify subsection (1) so as to confer, remove or vary a duty on corporate parents,
  - (b) provide that subsection (1) is to be read, in relation to a particular corporate parent or corporate parents of a particular description, with a modification conferring, removing or varying a duty.

## **59 Planning by corporate parents**

- (1) A corporate parent must—
- (a) prepare a plan for how it proposes to exercise its corporate parenting responsibilities, and
  - (b) keep its plan under review.
- (2) Before preparing or revising a plan, a corporate parent must consult such other corporate parents, and such other persons, as it considers appropriate.
- (3) A corporate parent must publish its plan, and any revised plan, in such manner as it considers appropriate (and, in particular, plans may be published together with, or as part of, any other plan or document).

## **60 Collaborative working among corporate parents**

- (1) Corporate parents must, in so far as reasonably practicable, collaborate with each other when exercising their corporate parenting responsibilities or any other functions under this Part where they consider that doing so would safeguard or promote the wellbeing of children or young people to whom this Part applies.
- (2) Such collaboration may include—
  - (a) sharing information,
  - (b) providing advice or assistance,
  - (c) co-ordinating activities (and seeking to prevent unnecessary duplication),
  - (d) sharing responsibility for action,
  - (e) funding activities jointly,
  - (f) exercising functions under this Part jointly (for example, by publishing a joint plan or joint report).

## **61 Reports by corporate parents**

- (1) A corporate parent must report on how it has exercised—
  - (a) its corporate parenting responsibilities,
  - (b) its planning and collaborating functions in pursuance of sections 59 and 60, and
  - (c) its other functions under this Part.
- (2) Reports may, in particular, include information about—
  - (a) standards of performance,
  - (b) the outcomes achieved in pursuance of this Part.
- (3) Reports are to be published in such manner as the corporate parent considers appropriate (and, in particular, reports may be published together with, or as part of, any other report or document).

## **62 Duty to provide information to Scottish Ministers**

- (1) A corporate parent must provide the Scottish Ministers with such information as they may reasonably require about how it is—
  - (a) exercising its corporate parenting responsibilities,
  - (b) planning, collaborating or reporting in pursuance of sections 59, 60 or 61, or
  - (c) otherwise exercising functions under this Part.
- (2) Information which is required may, in particular, include information about—
  - (a) standards of performance,
  - (b) the outcomes achieved in pursuance of this Part.

## **63 Guidance on corporate parenting**

- (1) A corporate parent must have regard to any guidance about corporate parenting issued by the Scottish Ministers.
- (2) Guidance may, in particular, include advice or information about—
  - (a) how corporate parents should—

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- (i) exercise their corporate parenting responsibilities,
    - (ii) promote awareness of their corporate parenting responsibilities,
    - (iii) plan, collaborate or report in pursuance of sections 59, 60 or 61, or
    - (iv) otherwise exercise functions under this Part,
  - (b) outcomes which corporate parents should seek to achieve in exercising functions under this Part.
- (3) Before issuing or revising guidance, the Scottish Ministers must consult—
- (a) any corporate parent to which it relates, and
  - (b) such other persons as they consider appropriate.

#### **64 Directions to corporate parents**

- (1) A corporate parent must comply with any direction issued by the Scottish Ministers about—
- (a) its corporate parenting responsibilities,
  - (b) its planning, collaborating or reporting functions under sections 59, 60 or 61, or
  - (c) its other functions under this Part.
- (2) Before issuing, revising or revoking a direction, the Scottish Ministers must consult—
- (a) any corporate parent to which it relates, and
  - (b) such other persons as they consider appropriate.

#### **65 Reports by Scottish Ministers**

- (1) The Scottish Ministers must, as soon as practicable after the end of each 3 year period, lay before the Scottish Parliament a report on how they have exercised their corporate parenting responsibilities during that period.
- (2) In subsection (1), “3 year period” means—
- (a) the period of 3 years beginning with the day on which this section comes into force, and
  - (b) each subsequent period of 3 years.