

Consultation

CoramBAAF response to APPG Inquiry into Corporate Parenting

21 September 2023

Question 1) In your view, which public bodies have the greatest potential to make a positive impact on care-experienced children and young people if they were to be appointed as corporate parents? Why?

Local authorities are exceptionally well-positioned to act as corporate parents for care-experienced children and young people. With oversight across multiple aspects crucial to the best interest, physical and mental health, and well-being of looked after children and care leavers – in relation to their education, healthcare, and housing – local authorities can adopt a holistic approach to meeting the needs of these children.

The corporate parenting principles, outlined in Section 1 of the Children and Social Work Act 2017, serve as a fundamental framework to assist local authorities in discharging their functions as corporate parents. Statutory guidance on applying corporate parenting principles emphasises the importance of coordinated efforts from all those who exercise functions in relation to looked-after children and care leavers – including councillors, leaving care services, and those responsible for special educational needs, housing and council tax – to adopt a more integrated approach to identifying and meeting their needs. Statutory guidance also requires local authorities to ensure that services most relevant to the application of the corporate parenting principles – including education, housing, local tax collection, libraries, leisure and recreation, and strategic plans – differentiate their offerings to meet the unique needs of care-experienced children and young people.

From the quality of housing support to access to mental health and educational services, and from council tax exemption to ‘setting-up home’ allowance, significant disparities exist in the support provided to care-experienced children and young people across different local authorities. Such disparity creates a ‘postcode lottery’, leading to unequal opportunities based on geographical location. Statutory guidance should be strengthened to ensure that local authorities fully understand and comply with their existing responsibilities across all services. Statutory guidance should also specify how the corporate parenting principles apply across all departments of a local authority – who collectively share corporate parenting responsibilities – beyond the departments directly responsible for care and pathway planning.

We believe that addressing the existing challenges by allocating more resources and funding, aimed at improving practices and the support available, would be more effective than instituting fundamental legal changes. Greater understanding across all agencies of why these responsibilities exist is also necessary. However, if corporate parenting responsibilities are extended to other public bodies in the future, there will need to be significant accompanying work to make sure this change has positive effects on the experiences and outcomes of care-experienced children and young people. Any



expansion must be implemented alongside information campaigns, training, and either new or updated guidance to clarify the implications of these added responsibilities. Without these, the extension of these responsibilities risks not having a positive impact or bringing tangible benefits.

Question 2) In your view, are there any public bodies that should not be considered for appointment as Corporate parents? Why?

The welfare of care-experienced children and young people should be a collective concern, but not every institution is equipped to act as an effective corporate parent. Local authorities have an existing duty to make arrangements to promote co-operation between ‘relevant partners’, with a view to improving the well-being of children in the authority’s area. This may include arrangements relating to care-experienced young people (section 10 Children Act 2004).

Any public body whose primary function conflicts with the nurturing and protective role expected of a corporate parent should not be considered for appointment as conflicts of interest are likely to arise when these agencies prioritise their main functions over best interests. For example, a police decision to detain a child or young person that prioritises law enforcement over welfare, or an adverse Home Office decision affecting a child or young person’s safety and stability, fundamentally conflicts with corporate parenting responsibilities.

The ‘[Unaccompanied Asylum-Seeking Children \(UASC\) Scrutiny Paper](#)’ commissioned by Brighton and Hove Safeguarding Children Partnership, warns that diluting responsibilities among public bodies “creates a significant statutory gap in provision and leaves the child with no corporate parent”. The Divisional Court in *R (Medway Council) v SSHD and SSE* [2023] EWHC 377 (Admin) also confirmed: “it is local authorities who must discharge Children Act functions; the Home Office has no functions in relation to the care of UAS children and no infrastructure to provide it.”

Additionally, health services may not always be well-suited for appointment as this could further exacerbate existing uncertainties about financial responsibilities for service provision, especially in the context of joint commissioning. Another concern is the potential for conflict of interests in decision-making. For instance, medical best interest may conflict with expressed wishes and feelings of a child or young person, complicating the role of the health service as an effective corporate parent. However, due to the vital role in supporting young people’s physical and mental health, we know that some health practitioners feel that health services would be well placed to fulfil a corporate parenting role.

Question 3) Are there any principles missing from current set of corporate parenting principles that, if included, would positively impact opportunities, experiences or outcomes for care-experienced young people? Additionally, in your view, are there any existing principles that should be strengthened?

The corporate parenting principles do not currently encompass the full range of considerations essential to effective parenting. The principles could add provisions concerning decision-making, lifelong parenting, and the happiness of care-experienced children and young people.

While the principles require local authorities – as corporate parents – to act in the best interests of care-experienced children and young people, they offer no concrete guidance on how decisions are to be made. Including a duty of quality decision-making would offer an additional layer of protection.



The existing principles focus largely on immediate needs and responsibilities but fall short on emphasising the importance of long-term planning and sustained parental support. Good parenting involves life-long support, from education and job training to emotional and psychological well-being. The principles should require local authorities to equip care-experienced children and young people for long-term stability, including financial and housing stability, going far beyond the first few years after leaving care.

Additionally, the happiness of a care-experienced child or young person is often overlooked in legislative frameworks. Provisions could be added to ensure that the emotional and psychological happiness of a child or young person is a primary consideration – alongside safety, education, health, and so on – potentially affecting decisions about placements, social activities, and community integration.

Existing principles could be strengthened to require local authorities to consider aspects like financial stability, poverty relief, and barriers to accessing education, training or employment. The requirement for cooperation with relevant partners could also be strengthened by extending its applicability across all corporate parenting principles, ensuring its scope cannot be interpreted to be limited to the provision in section 1(d) of the Children and Social Work Act 2017.

Consequently, section 10 of the Children Act 2004 should apply across all the corporate parenting principles and be amended to mandate the inclusion of care-experienced young people in cooperative arrangements between local authorities, their relevant partners, and other stakeholders – thereby removing its discretionary status (section 10(9)(b)).

By strengthening the corporate parenting principles, we believe corporate parents would be better equipped to fulfil their corporate parenting responsibilities, make a positive long-lasting impact on the lives of care-experienced children and young people, and set them on a path to a more secure life and greater well-being.

Question 4) What accountability measures would be needed to ensure that new corporate parents fulfil their responsibilities in a way that delivers positive impacts for care-experienced children and young people?

To enhance accountability and make sure that corporate parents meet their responsibility towards care-experienced children and young people, the discretionary duty outlined in section 1(1) of the Children and Social Work Act 2017 should be converted into a mandatory duty. A failure to adhere to the corporate parenting principles would thus provide grounds for legal action, potentially through judicial review.

Directors of Children's Services and Lead Members for Children's Services have a duty to adhere to statutory guidance detailing their roles and responsibilities for looked-after children and others. This duty could be expanded to encompass all individuals identified in section 1(2) of the Children and Social Work Act 2017, thereby extending their responsibility to a broader group of young people previously under the care of a local authority.

All care-experienced children and young people should have access to an advocate and a dedicated review system for handling their representations and complaints. The scope of The Children Act 1989 Representations Procedure (England) Regulations 2006 and the statutory guidance 'Getting the best from complaints' should be expanded so that any complaint to any local authority department, made by a care-experienced child or young person within the definition of section 1(2) of the Children and Social Work Act 2017, would fall within the remit of the Children Act 1989 procedure.



To ensure a comprehensive coverage of duties, the corporate parenting principles should also apply to care-experienced children and young people qualifying for advice and assistance. This would entail broadening the scope of section 1(2) of the Children and Social Work Act 2017. Additionally, care leavers would be afforded greater legal protections by enshrining care experience as a protected characteristic under the Equality Act 2010, resulting in the enforcement of provisions such as the public sector equality duty.

Question 5) Are there any examples of good practice you are aware of where a public body has adapted their policies, practices or services with the aim of better serving and supporting care-experienced children and young people? If so, please describe this good practice here.

- Access to free prescriptions. See for example: [Rochdale Borough Council; Black Country Integrated Care Board; Oldham Council; NHS North East London](#);
- Provision of digital devices and internet access. See for example: [Salford City Council, Greater Manchester Combined Authority](#);
- Offer of support and advice beyond the age of 25. See for example: [North Lincolnshire](#);
- Free bus travel for care leavers. See for example: [Greater Manchester](#);
- Free gym passes for care leavers. See for example: [Wigan Council](#);
- [Care Leavers App](#);
- [The Civil Service Care Leavers Internship Scheme](#);
- Ofsted Inspecting local authority children's services (ILACS) guidance has added a separate [judgement and evaluation criteria on 'the experiences and progress of care leavers'](#);
- Council tax exemptions for care leavers now offered by many local authorities. See for [1/2021: Council Tax information letter - 13 January 2021 \(publishing.service.gov.uk\)](#); [Council Tax exemption for care leavers](#).
- Motion to recognise care experienced as a protected characteristic – passed by [49 local authorities](#) so far.