

**Consultation on
Statutory Guidance
for Local Authorities
on Services and Activities
to Improve Young People's Well-being**

Section 507B of the Education and Inspections Act 2006

A summary of responses

**Department for Education
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Introduction

The Government confirmed that it will retain the duty on local authorities set out in section 507B of the Education 2006 to secure sufficient educational and recreational leisure-time activities for the improvement of the wellbeing of 13 to 19 year olds, so far as is reasonably practicable.

On 5th March 2012 the Department launched a 12 week consultation to gather views on draft revised statutory guidance to which local authorities must have regard in fulfilling their obligations under this duty. The duty also requires local authorities to ascertain and take into account young people's views and to publicise information about the local offer of all available provision.

The guidance is for local authorities, however, responses were received from other groups with an interest in this area – including voluntary and community sector organisations and young people.

The guidance document aims to outline, in a much more concise form than previous guidance, essential principles to which LAs should have regard, rather than prescriptions for the nature or level of youth provision.

Background to the consultation

In December 2011, the Government published *Positive for Youth - a new approach to cross-government policy for young people aged 13-19 in England*. This set out a co-produced vision for a society in which all young people have the supportive relationships, strong ambitions and good opportunities they need to realise their potential.

Educational attainment is key to young people's success, but their experiences at home and in their community are also crucial to helping them form and pursue their ambitions. Most young people get all the support and opportunities they need from their families, communities and from school or college. However, a wide range of other services, including youth work, can play a key role, particularly in the lives of the most disadvantaged or vulnerable young people.

A significant proportion of the services and opportunities available to young people outside of school or college are provided by community and voluntary organisations - often independent of public funding. Many charities are highly experienced at engaging and supporting the most vulnerable and disadvantaged young people.

Within the context of local partnership, local authorities have specific strategic responsibility for co-ordinating the overall local offer of all available provision for young people. *Positive for Youth* therefore confirmed the Government's intention to retain the duty on local authorities to secure, so far as is reasonably practicable, sufficient services and activities to improve the wellbeing of young people, *Positive for Youth* also made clear that the

Government will not prescribe from the centre which services for young people should be funded or delivered or to what level, or ringfence funding for this purpose. It believes that better outcomes can be achieved if local authorities and their partners have the flexibility and responsibility to prioritise available resources for services for children, young people and families according to local need.

Positive for Youth did, however, set out some important principles that the Government believes will be embodied in any high quality local system of support for young people - these principles are reflected in the draft revised guidance.

Summary of responses

Throughout this report, percentages are expressed as a measure of those answering each question, rather than as a measure of all respondents. Percentages have been rounded so may not total 100%. A breakdown of the self-reported organisational type of the 87 respondents is as follows:

Options	Responses	
Local Authority:	34	39%
Other:	26	30%
Voluntary/Community Youth Organisation:	9	10%
Youth Sector Organisation:	6	7%
Youth Worker:	4	5%
Private Sector Organisation:	2	2%
School/College:	1	1%
Young Person:	1	1%
Youth Membership Organisation:	1	1%
Parent/Carer:	1	1%
Participation Officer:	1	1%
Faith Group:	1	1%
Total:	87	100%

A summary of responses to the individual consultation is provide below.

1. Is the guidance clear and easy to understand? If not, how could it be improved?

There were 76 responses to this question

Yes:	48	63%
In Part:	21	28%
No:	5	7%
Not Sure:	2	3%

74% of local authorities and 55% of other respondents answered yes to this question.

The majority of respondents felt the guidance was clear and easy to understand. The majority of local authorities in particular welcomed the clarity and shorter length of the guidance, stating that it is clear and logical and written in plain English. Other respondents would like the guidance to contain more detailed explanations, definitions, links to other relevant policies and duties, and good practice case studies. A number of organisations suggested a young people’s version of the guidance would be helpful.

2. Does the guidance explain clearly enough the rationale for the duty and the scope of relevant services and activities for young people? If not, what do you think the guidance should say?

There were 73 responses to this question

Yes:	39	53%
No:	20	27%
Not Sure:	14	19%

59% of local authorities and 49% of other respondents answered yes to this question.

The broadening of the scope beyond positive activities to include the wide range of services that contribute to young people’s wellbeing was welcomed universally. While it was generally agreed that disadvantaged and vulnerable young people were in greatest need of such activities, it was also noted that all young people can benefit from additional opportunities and support.

There was strong support for the recognition of the importance of personal and social development and suggestions that direct reference be made to the clusters of social emotional capabilities identified in Catalyst’s Framework of Outcomes for Young People. Respondents suggested that youth work should be mentioned explicitly in the type of activities in scope of the duty. Some respondents also suggested that the difference between recreational and educational activities be explained, that the relevant age range be lowered to include young people from age 10 or 11, and that the valuable role of online services be mentioned explicitly.

Respondents from across sectors would welcome a more positive and aspirational tone to the guidance, reflecting more explicitly the vision set out in *Positive for Youth*. A number also suggested including links and references to other duties and strategies, including the United Nations Convention on the Rights of the Child.

3. Does the guidance set clear enough expectations for the role of local authorities in securing sufficient services and activities for young people? If not, please give any suggestions that might enhance its usefulness?

There were 74 responses to this question

In Part:	34	46%
No:	21	28%
Yes:	16	22%
Not Sure:	3	4%

44% of local authorities and 55% of other respondents answered ‘yes’ or ‘in part’ to this question.

Most respondents felt the guidance set clear expectations. However a considerable proportion felt that the guidance was too general and too high level to be usefully practically applied, and that without more specific expectations local authorities would have too much liberty to withdraw provision for young people. It was felt by some that making the guidance more specific would help young people to hold local authorities to account.

A number of respondents requested that more precise and meaningful terms be used in the place of the word ‘consider’ in relation to Governments’ expectations on local authorities.

4. Does the guidance give local authorities the right level of flexibility to determine the appropriate local offer of services and activities for young people? If not, how could the guidance be changed to achieve this?

There were 72 responses to this question

Yes:	36	50%
Not Sure:	14	19%
Too Much:	14	19%
Not Enough:	5	7%
No:	3	4%

64% of local authorities and 39% of other respondent answered ‘yes’ to this

question.

While many respondents felt the guidance should be more prescriptive, a significant proportion of local authority respondents welcomed strongly the freedom and flexibility the guidance would provide them to design services in response to local needs which may vary significantly across the country. It was felt by many that this was essential to their ability to deploy resources efficiently against local priorities.

Concerns were raised about whether local authorities would be held to account if they fail to use the guidance as a basis for providing their local offer to young people.

5. Does the guidance highlight all the right considerations to which local authorities should have regard in fulfilling their duty to secure services and activities for young people? If not, what considerations should be added or removed?

There were 73 responses to this question

Yes:	28	38%
In Part:	27	37%
No:	14	19%
Not Sure:	4	5%

82% of local authorities and 69% of other respondents answered 'yes' or 'in part' to this question.

Respondents agreed strongly about the list of considerations to which local authorities should have regard in fulfilling this duty. Suggestions for additional considerations included recognition of:

- equality and diversity issues and the importance of considering the needs of specific groups of young people, such as those with a disability, or lesbian, gay, bisexual, transgendered young people;
- the importance of responding to young people's preferred communication methods including online or text provision;
- the preventative role of youth work and other services be highlighted and their ability to reduce demand for and the costs of more specialist and acute services;
- The need to actively support growth of voluntary and community sector organisations, including through commissioning processes and decisions that are transparent;
- The benefits of publishing not only feedback from young people but details of how young people have influenced decisions; and
- The benefits to local accountability of local authorities publishing not

only funding and performance data, but their plans for how they intend to improve the wellbeing and personal and social development of young people.

6. Does the guidance set the right expectations for local authorities' role in involving young people in making decisions about services and activities and in auditing quality? If not, how could it be improved?

There were 77 responses to this question

Yes:	35	45%
In Part:	32	42%
No:	8	10%
Not Sure:	2	3%

91% of local authorities and 84% of other respondents answered 'yes' or 'in part' to this question.

There was strong support for the emphasis the guidance places on involving young people in both decision making and inspecting quality, as critical aspects of planning and delivering services for young people.

Respondents agreed with the need to ensure that young people receive the support they need to engage in youth voice arrangements and that such arrangements give voice to the full diversity of local young people. In addition, the valuable role that young can play in service design, delivery and governance was highlighted.

Some replies requested guidance and case studies to support and encourage the active involvement of young people – especially in engaging the hardest to reach and vulnerable. The 'Youth Voice' work of the British Youth Council and the National Youth Agency's 'Hear by Right' standards were both mentioned by a number of respondents as examples of help in this area.

7. Should the guidance be more prescriptive about what is a sufficient local offer? If not, why not, and what should it say?

There were 75 responses to this question

Yes:	53	71%
No:	14	19%
Not Sure:	8	11%

58% of local authorities and 81% of other respondents answered 'yes' to this question.

Concerns about what is a sufficient local offer were perhaps the most prevalent across the consultation. Concerns related to the definition of sufficiency and minimum standards, and how it could be measured or assessed. There was also concern that the term sufficiency suggests that it is acceptable to deliver a minimum acceptable offer rather than striving to deliver the best possible offer within available resources.

Responses to this question were mixed, recognising the complexity of this issue. Many respondents were aware that a more prescriptive definition of sufficiency would limit local freedoms and flexibilities and local authorities' ability to respond to local priorities. They agreed that sufficiency should be related to meeting local needs. However others felt that, in the current economic climate, local authorities may not prioritise youth services without greater prescription and specific guidance on minimum standard.

There were also concerns about a lack of external inspection and monitoring of youth provision, or of consistent reporting frameworks to enable comparisons between areas. Some respondents felt that the responsibility for inspecting services and holding them to account was being left solely to young people.

8. Does the guidance set out clearly enough the basis on which a local authority should consider whether it has done all that is reasonably practicable to secure a sufficient local offer? If not, why not, and what should it say?

There were 72 responses to this question

No:	35	49%
Yes:	25	35%
Not Sure:	12	17%

44% of local authorities and 26% of other respondents answered 'yes' to this question.

Most respondents felt that the guidance gave local authorities too much latitude in determining whether they were doing all that is reasonably practicable, and no indication of threshold below which the Government would consider intervening. It was suggested by some respondents that external scrutiny was needed to determine local authority performance. Other respondents suggested that requiring local authorities to be more transparent in relation to their decision making process would help young people and communities to better hold them to account.

9. Please provide any other comments on the guidance, including any further suggestions for how it could be improved.

Respondents welcomed the Government's decision to retain the duty on local authorities to secure access to services and activities for young people. While some respondents would like to see more detailed or prescriptive guidance, and others recognised the value to local authorities of the freedom to respond to local needs and priorities, the strongest theme to respondents comments lay around the issue of local authority accountability for securing a sufficient local offer.

10. How might we ensure that this guidance reaches the widest possible audience and is appropriately considered / implemented?

While the guidance is aimed at local authorities, respondents highlighted the need to disseminate it widely to a wide range of partners to highlight the valuable role that services for young people have to play. This included disseminating the guidance to schools and colleges, Universities, local Health and Wellbeing Boards, and across the voluntary and community sector. Many respondents offered use of their networks to disseminate the guidance.

Next steps

The Department has considered the general and detailed comments from respondents to the consultation.

The Department agrees that the guidance should reflect more the aspirational and positive language and vision of *Positive for Youth*, including an emphasis on young people developing a strong sense of belonging. It agrees that youth work should be mentioned explicitly as in scope of the duty, and that direct reference should be made to the clusters of social and emotional capabilities developed through the process of personal and social development.

Respondents' support for the involvement of young people in decision making is welcomed. The Department recognises that young people can add value throughout the commissioning cycle and play a valuable role as active participants in all aspects of services design, deliver, and governance.

The Government notes respondents' views on the age of young people that should fall in scope of this guidance and on the need for a definition of 'well-being'. These are defined in legislation and need not be repeated nor can they be amended in guidance.

The Department recognises the important context of the United Nations Convention on the Rights of the Child (UNCRC) to work with young people. It also recognises the wide range of other duties and Government policies that relate closely to the commissioning of services for young people – however it believes that it is not the role of statutory guidance to describe or identify these, or to set out good practice in improving outcomes for young people.

The Department acknowledges that many respondents would like more prescriptive guidance. However, the Government is committed to giving local authorities freedom to respond to local priorities. It believes that sufficiency is relative to local need, and that local authorities should strive to secure the best possible offer to young people within available resources.

The Department is promoting a sector-led approach to identifying good practice and supporting improvement. The Children's Improvement Board have determined that funding provided by the Government should be used to develop a number of Youth Innovation Zones to disseminate learning from local areas who are adopting innovative approaches to the delivery of youth services. The Local Government Association's Knowledge Hub provides a means for sector led identification and sharing of good practice.