

Appendix 3

Statutory Guidance

Education Act 1996

1. Section 507B of the Education Act 1996 requires that every local authority in England must, so far as reasonably practicable, secure for qualifying young persons in the authority's area access to sufficient educational and recreational activities (also referred to as positive leisure-time activities) which are for the improvement of their well-being, and sufficient facilities for such activities. Statutory guidance was issued by the government Department for children, schools and families in March 2008.
2. "Qualifying young person's" are those aged 13-19, and up to 24 for young people with a learning difficulty.
3. "Sufficient educational leisure-time activities" and "sufficient facilities for such activities" must include those which are for the improvement of young people's personal and social development.
4. "Recreation" includes physical training; "sufficient" in relation to activities or facilities means sufficient having regard to quantity; and "well-being" in relation to a person means his/her well-being so far as relating to:
 - a. Physical and mental health and emotional well-being;
 - b. Protection from harm and neglect;
 - c. Education, training and recreation;
 - d. The contribution made by him/her to society;
 - e. Social and economic well-being.
5. In securing sufficient positive leisure-time activities a local authority may:
 - a. Provide facilities for positive leisure-time activities. This may include establishing, maintaining and managing places at which facilities for positive leisure-time activities are provided;
 - b. Assist others in the provision of such facilities. This may include the provision of financial assistance;
 - c. Make arrangements for facilitating access for qualifying young person's to such facilities. This may include the provision of transport, financial assistance or information;
 - d. Organise positive leisure-time activities;
 - e. Assist others in the organisation of such activities, which may include the provision of financial assistance;
 - f. Make arrangements for facilitating access for qualifying young person's to such activities. This may also include the provision of transport, financial assistance or information;

- g. Enter into arrangements or make arrangements with any person in connection with anything done or proposed to be done under any of paragraphs (a) to (f) above;
 - h. Take any other action which the authority think appropriate.
6. Before taking any action to secure sufficient positive leisure-time activities a local authority must:
 - a. Consider whether it is expedient for the proposed action to be taken by another person. This includes consulting with such persons as the authority think appropriate as to whether it is expedient for the proposed action to be taken by another person; and
 - b. Where the authority considers that it is so expedient, take all reasonable steps to enter into an agreement or make arrangements with such a person for that purpose.
7. In exercising their functions a local authority must ascertain the views of qualifying young person's in the authority area about:
 - a. Positive leisure-time activities and facilities for such activities in the authority area;
 - b. The need for any additional such activities and facilities; and
 - c. Access to such activities and facilities.
8. In establishing the views of young people the local authority must ensure that these views are taken into account.
9. In exercising their functions under 507B the local authority must have regard to any guidance given from time to time by the Secretary of State. The Government published a new youth policy in 2012 called Positive for Youth, including updated statutory guidance on services and activities to improve young people's wellbeing. For youth services the guidance reminded local authorities of their responsibility to continue supporting young people, especially those who are more vulnerable, to engage positively in their communities and to make successful transitions to adulthood.
10. The new guidance issued by the Secretary of State for Education reiterated the 507B statutory duty and instructed local authorities to secure, so far as is reasonably practicable, equality of access for all young people to the positive, preventative and early help they need to improve their well-being. To include youth work and other services and activities that:
 - a) Connect young people with their communities;
 - b) Offer young people opportunities in safe environments;
 - c) Support the personal and social development of young people;
 - d) Improve young people's physical and mental health and emotional well-being;

- e) Help those at risk of dropping out of learning or not achieving their full potential;
 - f) Raise young people's aspirations, build their resilience, and inform their decisions.
11. The guidance defined a new role for local authorities as an enabler of services rather than a direct provider, with services mainly delivered by the voluntary and community sector. This approach is in accordance with the principles of the Localism Act 2011, which aims to shift power back into the hands of communities and individuals.
12. The Secretary of State reminded local authorities that they must take steps to ascertain the views of young people and take them into account in making decisions about services and activities for them, in line with Article 12 of the United Nations Convention on the Rights of the Child (UNCRC).
13. Within the new guidance the Government does not prescribe which services and activities for young people local authorities should fund or deliver or to what level. It is the responsibility of local authorities to take the strategic lead to work with young people; the voluntary, community and social enterprise sector; health and wellbeing boards; schools and colleges; and agencies including health and police to understand and meet young people's needs.
14. Local authorities are responsible for securing, so far as is reasonably practicable, a local offer that is sufficient to meet local needs and improve young people's well-being and personal and social development – having regard to the general principles of the UNCRC.

Public Sector Equality Duty 2010

15. Section 149 of the Equality Act 2010 sets out a general duty which requires the Council to have due regard to the need to:
- a) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - c) Foster good relations between people who share a protected characteristic and those who do not.
16. The duty is in relation to protected characteristic groups and has to be applied in the delivery of Wiltshire Council services and in the employment of its staff. The relevant protected characteristics include age, disability, gender reassignment, marital and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
17. Eliminating discrimination includes eliminating harassment, victimisation and any other prohibited conduct within the Act. Advancing equality of opportunity means removing or minimising disadvantage, meeting people's needs, taking account of disabilities and encouraging participation in public life.

18. Fostering good relations between people means tackling prejudice and promoting understanding. The PSED makes it lawful to treat a disabled person more favourably than a non-disabled person.

How are other local authorities meeting their 507B statutory duty?

***Dorset**

- Traditional youth service providing universal and targeted youth work / positive activities. Approx £2.2m revenue budget with 60+ FTE youth work staff. Service has been protected by elected members up till now.
- Youth workers based in locality teams and moving toward more targeted work e.g. CAF.
- Cabinet have just authorised a major review of universal services including youth work and children's centres. Extensive consultation to shortly take place with local communities.
- Large number of Council owned youth centre buildings, currently being reviewed. Looking at more outreach / shared use of buildings.

***Gloucestershire**

- Stopped offering universal youth services in 2011 and focused Integrated Youth Support on vulnerable and at risk young people.
- Offer buildings and funding (through district programmes) to voluntary/community and parish organisations to provide youth activities.
- £300k per annum (£50k to each of the six districts). Funding likely to rise in 2014 with public health focus specifically for physical activities and sport.
- Cabinet Office view Gloucestershire as a leading example of how a top-tier council has enabled a smooth transition from council provided universal youth activities to community provision, through its Big Community Offer, transfer of club buildings, ongoing funding via districts, and strategic support for safeguarding, training and quality.

***Hampshire**

- Major restructure of youth services in 2011 (universal and targeted). Budget reduced by £4m over 2 years. 255 FTE to 118.5.
- £1.8m per year of funding in the form of grants offered to charities to provide targeted youth support services (focus on working with vulnerable young people).
- Community Development Facilitators supporting VCS to deliver and become tender ready. Plan is to eventually outsource youth services via a formal external commissioning arrangement.
- In-house resource focused on intensive 1:1 casework with Care Leavers and some NEETs.

North Somerset

- Stopped providing a youth work service in March 2012.
- Developed a positive activities development project supporting the establishment of community networks to fund and provide positive activities for young people based on local needs (tasked with responding to needs the Council can no longer meet).
- 11 networks established (6 are now charities), independent of the Council.
- One off £75k fund handed to providers of youth work and positive activities to support the transition.
- Innovation fund of £291k offered to support the development of community networks in 2012/13 (for infrastructure), reduced to £25k in 2013/14. Many networks using this funding to attract matched funding from elsewhere.
- Positive Activities for Young People fund of £30k per annum also available.
- Staff "at risk" supported to setup own social enterprises.
- Several Council based roles supporting networks through development work, including training, professional advice and guidance (up to 2014).
- Small team of Young People's Support Workers retained and located within Community Families Teams focused on supporting those families across North Somerset in most need (top 300).
- No reduction in positive activities since 2011 – VCS have stepped up to the challenge and more young people accessing these activities.

***Somerset**

- Changed role to an enabler rather than a direct provider of youth work.
- Budget reduction over 3 years from £3.2m, with a 50% reduction in Year 1.
- 77 FTE to 6.5FTE, with remaining roles likely to be deleted end Mar 14.
- 3 FTE Community Development Youth Advisors supporting transition through professional advice and guidance to VCS.
- Offer a range of grants to local VCS youth groups e.g. diocese, young farmers, children and young people's partnership etc.

***Worcestershire**

- Cabinet decision in November 2011 for provision of positive activities for young people to be locally commissioned by county councillors, with young people also playing an important part in the decision making and ongoing monitoring of services.
- £1m of funding allocated across 6 district council areas of the county using a needs based formula (70% needs to 30% youth population).
- A number of providers awarded contracts to provide positive activities for young people following the involvement of young people and councillors.

***Statistical neighbour**