

APPENDIX C - Statutory Guidance**1. Youth Services incl. Youth Engagement**

Service requirements relate to:	Youth Services - specifically local authorities' duty to secure sufficient services and activities for young people aged 13 to 19, and those with learning difficulties to age 24, to improve their well-being, as defined in Subsection 13.
Legal reference:	Section 507B of the Education Act 1996.
Guidance on the Rationale and scope of the duty	
<p>1. With the right supportive relationships, strong ambitions and good opportunities all young people can realise their potential and be positive and active members of society. Most get these from and through their families and friends, their school or college and their wider community enabling them to do well and to prepare for adult life. All young people benefit from additional opportunities and support, but some young people and their families, particularly the most disadvantaged and vulnerable, need specific additional and early help to address their challenges and realise their potential.</p> <p>2. It is therefore local authorities' duty 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. This includes youth work and other services and activities that:</p> <ol style="list-style-type: none"> a) Connect young people with their communities, enabling them to belong and contribute to society, including through volunteering, and supporting them to have a voice in decisions which affect their lives; b) offer young people opportunities in safe environments to take part in a wide range of sports, arts, music and other activities, through which they can develop a strong sense of belonging, socialise safely with their peers, enjoy social mixing, experience spending time with older people, and develop relationships with adults they trust; c) support the personal and social development of young people through which they build the capabilities they need for learning, work, and the transition to adulthood – communication, confidence and agency, creativity, managing feelings, planning and problem solving, relationships and leadership, and resilience and determination; d) improve young people's physical and mental health and emotional well-being; e) help those young people at risk of dropping out of learning or not achieving their full potential to engage and attain in education or training; and f) raise young people's aspirations, build their resilience, and inform their decisions – and thereby reducing teenage pregnancy, risky behaviours such as substance misuse, and involvement in crime and anti-social 	

behaviour.

Responsibilities of local authorities

Involving young people

3. Local authorities must take steps to ascertain the views of young people and to 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). They should establish and maintain structured arrangements for doing so. To inform continuous improvement, these arrangements should enable young people to inspect and report at least annually on the quality and accessibility of provision. As appropriate they should also be involved actively in service design, delivery and governance. Young people should receive the support they need to participate, ensuring representation of the full diversity of local young people, and those who may not otherwise have a voice.

Securing access to sufficient services and activities

4. The Government will not prescribe which services and activities for young people local authorities should fund or deliver or to what level. They should 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:
 - a) understand the needs of local young people, particularly the needs of the most disadvantaged and vulnerable, taking full account of equality and diversity issues;
 - b) enable parents and communities to meet young people's needs wherever possible, and engage businesses and other employers to contribute funding and expertise to help enhance and sustain local provision;
 - c) plan how aspirational personal and social development programmes, including National Citizen Service, and youth work and youth workers can contribute to meeting the needs of young people and reduce demand for more specialist services;
 - d) determine the mix of open access, targeted, preventative and specialist provision needed to meet local needs, and how to integrate all services around young people;
 - e) decide what facilities are needed and how to make these available and accessible, wherever possible maximising the utilisation and potential of all local partners' assets including any Myplace centres and other high quality youth facilities;
 - f) determine which services and facilities need public funding and which can be secured through other means so that public funding is targeted primarily on young people at risk of poor outcomes;
 - g) determine which services and facilities can be delivered by third parties so that the local authority delivers directly only where it is clearly best placed

to do so;

- h) plan how to best support and grow the role of voluntary, community, and faith organisations, including through a transparent commissioning process, given the benefits the sector can bring to work with young people, families and communities;
 - i) agree priorities for publically funded services and facilities with local partners and how these can be most effectively and efficiently delivered, including considering with their employees the options for them to set up and transfer into a public service mutual in line with their 'Right to Provide';
 - j) ensure providers have the capacity and skills to deliver effective services to young people, by learning from good practice and developing their workforce;
 - k) publicise effectively to young people and their families the overall local offer of all services and activities available for young people locally;
 - l) put in place actively-managed systems for assuring the quality of local services and driving improvement, including in response to feedback from young people,
 - m) publish at least annually details of the feedback young people have given on the quality of the local offer and of how they have influenced local decisions; and
 - n) publish at least annually, in a form that enables young people and others to hold them to account, their plans for improving young people's well-being and personal and social development, together with relevant funding and performance data.
5. 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. They should strive to secure the best possible local offer within available resources, reviewing the sufficiency of the offer if it does not result in positive feedback from young people on the adequacy and quality of local provision and positive trends in qualitative and quantitative data that are indicative of local young people's well-being and personal and social development.
6. Local authorities should do all that is reasonably practicable to secure a sufficient local offer for young people, including:
- a) acting on all of the considerations in this and other relevant statutory guidance;
 - b) benchmarking their approach and performance relative to other similar areas to identify how they might improve impact and cost-effectiveness; and

c) drawing on available support and challenge to drive continuous improvement in the quality and impact of local services, including from the local authority sector nationally.

2. NEET including September Guarantee and Raising Participation Age

Service requirements relate to:	NEET and Raising Participation Age (RPA)
Legal reference:	Sect 10, 12, 18 and 68 of the Education and Skills Act 2008

1. Local authorities must:
- make available to young people below the age of 19 support that will encourage, enable or assist them to participate in education, employment or training.
 - track and monitor the destination of all young people in the local authority area offering targeted support when needed to those who are NEET, or at risk of not participating.
 - lead on the September Guarantee which underpins the delivery of these duties - they must ensure all young people aged 16 and 17 have a suitable offer of a place in education, employment or training and report back to the Department for Education.
 - have a Client Caseload Information System (CCIS) where they can report suitable destination data in the 6 key areas set out under NCCIS statutory guidance.
 - Secure suitable, sufficient education and training for all young people between the ages of 16-18 in their area.
 - carry out ES9 assessments for young people between the ages of 16-18 who may be eligible for hardship allowance / income support and submit information to the job centre.

Guidance on Duties on local authorities relating to participation

2. Prior to RPA, local authorities had existing duties to encourage, enable and assist young people to participate in education or training which still apply. These duties are to:
- Secure sufficient suitable education and training provision for all young people aged 16 to 19 and for those up to age 25 with a learning difficulty assessment (LDA) or Education, Health and Care (ECH) plan in their area. To fulfil this, local authorities need to have a strategic overview of the provision available in their area and to identify and resolve gaps in provision.

- Make available to all young people aged 13-19 and to those up to age 25 with an LDA or EHC plan, support that will encourage, enable or assist them to participate in education or training
3. Tracking young people's participation is a key element of these duties. Local authorities are required to collect information about all young people so that those who are not participating, or are NEET, can be identified and given support to re-engage. Robust tracking also provides the local authority with information that will help to ensure that suitable education and training provision is available and that resources can be targeted effectively.
4. In addition, ESA 2008 placed two RPA-related duties on local authorities with regard to 16 and 17 year olds:
- Local authorities must promote the effective participation in education and training of 16 and 17 year olds in their area with a view to ensuring that those persons fulfil the duty to participate in education or training. A key element of this is identifying the young people in their area who are covered by the duty to participate and encouraging them to find a suitable education or training place. .
 - Local authorities must make arrangements - i.e. maintain a tracking system - to identify 16 and 17 year olds who are not participating in education or training. Putting in place robust arrangements to identify young people who are not engaged in education or training or who have left provision enables local authorities to offer support as soon as possible.

Delivering the existing duties on local authorities to support participation

5. This section relates to local authorities' existing duty under section 68 of ESA 2008. This applies to all young people aged 13 to 19 and those up to age 25 with an LDA or ECH plan.
6. Local authorities should provide strategic leadership in their areas to support participation in education, training and employment - working with and influencing partners by:
- ensuring a focus on participation is embedded and communicated throughout the authority's services for children and young people;
 - ensuring the services for young people in the local area come together to meet the needs of young people – including funding for education and training places and re-engagement provision;
 - agreeing ways of working with other partners such as Local Enterprise Partnerships (LEPs), Jobcentre Plus, employers, voluntary and community sector organisations, health services, police, and probation services; and

- working with neighbouring authorities, especially where young people routinely travel out of the area to access education and training, for work or other services.
7. To discharge this duty, local authorities must collect information about young people in their area in order to identify those who are not participating, or who are at risk of not doing so, and to target their resources on those who need them most. The information collected must be in the format specified in the NCCIS Management Information Requirement. To meet this requirement, local authorities need to have arrangements in place to confirm all young people's current activity at regular intervals. This may be through the exchange of information with education and training providers, and other services within the local authority area such as youth offending teams and Jobcentre Plus, as well as through direct contact with young people.
 8. Local authorities are expected to continue to work with schools to identify those who are in need of targeted support or who are at risk of not participating post-16. They will need to agree how these young people can be referred for intensive support, drawn from the range of education and training support services available locally. For example, this may include engagement programmes and mental health services. Local authorities should pay particular attention to young people not in mainstream education, such as those not on school rolls, those attending alternative provision, and those in youth custody. Local authorities should support these young people to ensure they are not disadvantaged when applying for a suitable place in post-16 education or training.
 9. Every young person who reaches the age of 16 or 17 in any given academic year is entitled to an offer of a suitable place, by the end of September, to continue in education or training the following year. Local authorities are required to lead the September Guarantee process for:
 - 16 year olds who are educated in their area; and
 - 17 year olds who are resident in their area.
 10. Local authorities should work with schools and post-16 providers to identify those young people eligible for an offer, understand their post-16 plans and any offers they have received and record this information on their Client Caseload Information (CCIS) databases. Young people who do not have post-16 plans or an offer of a place are at risk of becoming NEET in September. Identifying these young people early enables services to provide additional advice and support about the options available, and to alert the EFA to any emerging gaps in provision. Local authorities will want to agree with schools who is best placed to offer support after the end of the summer term. They will

also need to work with neighbouring authorities to establish offers made by schools and colleges outside their authority's area.

Duty on local authorities introduced under RPA to promote participation

11. The participation of young people in education and training should be actively promoted through local authorities' wider functions (section 10 of ESA 2008).

12. Specific examples of this are:

- When developing transport arrangements and preparing their post-16 transport policy statement, local authorities should, in accordance with their duty under the Education Act 1996, ensure that young people are not prevented from participating because of the cost or availability of transport to their education or training. Statutory guidance has been developed to help local authorities to meet their post-16 transport duty.
- Local authorities should ensure a focus on participation is embedded throughout their education and children's services, youth offending teams, troubled families teams and pre-16 education teams, social services and economic development, amongst others.
- The Children and Families Act 2014 places a duty on local authorities to develop a local offer setting out what services they expect to be available for local children and young people with SEN or disabilities up to age 25. This must include post-16 education and training provision. Further information is available in the SEN Code of Practice. The local offer will be a key tool in supporting young people with SEN and disabilities to make choices as they approach the end of school and successfully make the transition into post-16 education and training. Young people with SEN and disabilities should be encouraged and supported to follow a coherent study programme at an appropriate level that supports their progression. Where 16 to 18 year olds are NEET, or at risk of becoming NEET, their EHC plan should be maintained and they should be encouraged and supported to return to education and training as soon as practicably possible. Under the Children and Family Act 2014's regulations, local authorities must also consider carefully the action to take when young people with EHC plans aged 18 or over leave education or training before the end of their course, seeking to re-engage them where appropriate

13. Local authorities should provide strategic leadership in their areas, working with and influencing partners locally, such as LEPs, to promote participation.

Local authorities may wish to consider:

- having agreements in place for working with neighbouring authorities;
- ensuring the services for young people in the local area come together

to meet the needs of young people – including funding for education and training places and re-engagement provision; and

- agreeing ways of working with wider agencies including voluntary and community sector organisations and employers.

14. Sections 14-17 of ESA 2008 provide data sharing powers to encourage local authorities to promote effective participation.

Duty on local authorities introduced under RPA to identify young people not participating

15. Local authorities need to identify young people not participating so that they can ensure that these young people get the support they need. CCIS is the main source of evidence that local authorities are discharging their duty under section 12 of ESA 2008 to identify young people who are not participating.

16. Local authorities are expected to act on any information they receive about a young person who has dropped out, contacting them at the earliest opportunity and supporting them to find an alternative place in education, training or employment with accredited training.

3. Duke of Edinburgh

There are no specific statutory requirements relating to this service. Conditions of licensing the award are managed by D of E UK and D of E London. Services provided by the Council form part of the Council's offer under section 507B of the Education Act 1996