

# Statutory Guidance on Section 6 Education & Inspections Act (Positive Activities for Young People)

## Consultation Response Form

The closing date for this consultation is: 30 March  
2007

Your comments must reach us by that date.

department for

**education and skills**

creating opportunity, releasing potential, achieving excellence



created using  
**BCL easyPDF**  
Printer Driver

**THIS FORM IS NOT INTERACTIVE. If you wish to respond electronically please use the online or offline response facility available on the Department for Education and Skills e-consultation website (<http://www.dfes.gov.uk/consultations>).**

The information you provide in your response will be subject to the Freedom of Information Act 2000 and Environmental Information Regulations, which allow public access to information held by the Department. This does not necessarily mean that your response can be made available to the public as there are exemptions relating to information provided in confidence and information to which the Data Protection Act 1998 applies. You may request confidentiality by ticking the box provided, but you should note that neither this, nor an automatically-generated e-mail confidentiality statement, will necessarily exclude the public right of access.

**Please tick if you want us to keep your response confidential.**

Name FH/JC/PR tbc  
Organisation (if applicable) Hampshire County Council  
Address: The Castle  
Winchester  
SO23 7UG

If your enquiry is related to the policy content of the consultation you can contact Chris Bestwick on:

Telephone: 020 7273 5840

e-mail: [christopher.bestwick@dfes.gsi.gov.uk](mailto:christopher.bestwick@dfes.gsi.gov.uk)

If you have a query relating to the consultation process you can contact the Consultation Unit on:

Telephone: 01928 794888

Fax: 01928 794 311

e-mail: [consultation.unit@dfes.gsi.gov.uk](mailto:consultation.unit@dfes.gsi.gov.uk)



Please mark an x in the box below that best describes you as a respondent.

<input checked="" type="checkbox"/> Local Authority	<input type="checkbox"/> Voluntary or Community Sector Body	<input type="checkbox"/> School
<input type="checkbox"/> Faith Organisation	<input type="checkbox"/> Private Sector Company	<input type="checkbox"/> Parish Council
<input type="checkbox"/> Individual	<input type="checkbox"/> Other	

Please Specify:

If you are responding on behalf of a local authority, is your authority a:

<input checked="" type="checkbox"/> County Authority	<input type="checkbox"/> Unitary Authority	<input type="checkbox"/> District Council
--	--	---

Please Specify: Hampshire County Council

If you are responding from a local authority, please mark up those service areas and functions for which you hold some responsibility:

<input checked="" type="checkbox"/> Youth Work	<input checked="" type="checkbox"/> Leisure Services	<input checked="" type="checkbox"/> Arts or Sport Development
<input checked="" type="checkbox"/> Libraries Museums or Archives	<input type="checkbox"/> Extended School Services	<input type="checkbox"/> Planning Youth Support Arrangements
<input checked="" type="checkbox"/> Commissioning	<input checked="" type="checkbox"/> Transport	<input type="checkbox"/> Other

Comments:

This response has been prepared by our multi-agency Youth Matters Board, which meets as a sub-group of Hampshire's Children and Young People's Partnership - Management Board.



1 a) Did you find the draft positive activities guidance clear, unambiguous and easy to follow?

Yes

No

X Not Sure

Comments:

The guidance is generally clear. An early and unambiguous reference to how the new legislation relates to *The Local Youth Offer* and the existing *Positive Activities for Young People* programme would be helpful.

In the National Standards for Positive Activities we would welcome the inclusion of measurable performance indicators for *Opportunities to make a positive contribution* and for *A wide range of other...experiences*.

We are concerned about the ambiguities caused by the use off the terms *sufficient* (see 6b) and *reasonably practicable*.

1 b) If no, how could it be improved?

Comments:

2 Do you feel that young people's access to positive activities will improve where local authorities follow this guidance?

X Yes

No

Not Sure



Comments:

It is particularly important to involve young people in developing the range of activities available and in the promotion of the local youth offer to other young people not currently accessing existing opportunities. Young people have told us that the best way of ensuring improvement in accessing positive activities is for young people to take a lead in the consultations about the development and promotion of the youth offer. They suggested consulting through existing youth forums, telephone help-lines, text alerts and by a variety of other means.

We would welcome the monitoring of the involvement of young people in the development and promotion of the youth offer through appropriate inspection arrangements.

3 a) Do you feel that the guidance encourages an appropriate degree of local authority accountability towards young people regarding the local offer of positive activities?

Yes

No

X Not Sure

Comments:

We would have welcomed greater emphasis in the guidance on accountability to young people and how this could be made effective; for example, through a requirement to involve local youth councils, YOF scrutiny panels or other representative youth forums, in designing, delivering, assessing and challenging the local youth offer.

3 b) If no, please state why you feel this is not the case.



Comments:

4 Beyond the publication of the guidance, what would be the most effective means of communicating the new legislation and its requirements to professionals working with young people?

Comments:

Establishing a national website and publishing summary articles for inclusion in professional journals, professional association newsletters and 'in house' staff publications.

Regional and local stakeholder conferences.

Promoting the new legislative requirements to the wider public, parents and young people, would also impact on the professionals who work with young people.

5 How could young people be made aware of their right to have their views taken into account under the legislation?



Comments:

Short features on radio stations and websites popular with young people.  
Cinema advertising.  
The production and distribution of a curriculum pack for use in schools and youth groups.  
Input into school assemblies and PSHE lessons by young people.  
Cascading information direct to young people through representative groups and key contacts, using text messaging and well designed briefing cards (credit card size).

Our recent consultations with young people have recommended a national campaign to raise awareness of their right to have their views taken into account under the legislation. Young people specifically suggested the use of features on BBC Radio 1 and television advertising. At a local level, young people recommended the use of popular commercial facilities for promotional events, such as bowling alleys, cinemas, skating rinks and shopping malls. Young people also recommended that a similar approach be taken to the launch and promotion of the local youth offer.

We note that the question and the legislation indicates that *young people* have a “right” for their views to be heard but we understand that this wording means that an *individual young person* does not have this right. We would welcome clarity on this point.

## Section 2

6 a) Is the explanation of the legislation clear?

Yes

X No

Not Sure

Comments:



6 b) If no, how could this be improved?

Comments:

The explanation would be improved by the inclusion of additional measurable standards based on those included in the DfES publication *Resourcing Excellent Youth Services*. We note the reference to the authority deciding what constitutes sufficient and would prefer specific guidance on sufficiency. We would also like to see a specific requirement to check with young people whether they consider the local youth offer to be sufficient.

### Section 3

7 a) Does the guidance provide a clear description of the process the local authority should employ in addressing the new duty to secure access for young people to sufficient positive activities?

X Yes

No

Not Sure

Comments:

We welcome the reference to mapping and the links to other plans, especially the CYPP.

7 b) If no, how could this be improved?



Comments:

#### Section 4

8 Do you wish to make any comments on the role of the local authority's partners in creating the local offer (paragraphs 21 to 45)?

Comments:

We see it as crucial to improving access by young people to positive activities to stress the need for partner organisations and young people to be fully engaged with shaping and delivering the youth offer. We welcome the recognition given to the very important roles played by second and third tier local authorities and by the voluntary and community sector. The business sector is also a valuable supplier of positive activities.

We welcome the requirement for the local authority to co-ordinate and facilitate the youth offer, rather than be the sole or major provider, and the encouragement given in the guidance to local authorities to work with schools on the promotion and delivery of positive activities.

9 Do you consider that improvements in the delivery of positive activities will be achieved through local authorities implementing the measures described in the section 'Building in contestability' (paragraphs 64 to 75)?

X Yes

No

Not Sure



Comments:

We welcome the move towards the commissioning of a range of service providers who have the skills and experience required to deliver high quality services at the most efficient cost. Ensuring that authorities and young people monitor the quality of delivery closely is a critical part of this approach, and could be given greater emphasis in the guidance.

Contestability is a useful notion. However, the local authority should also have a responsibility to help develop capacity in other sectors especially in the voluntary and community sector. This approach will ensure diversity and innovation in developing and delivery of the youth offer.

10 Do you wish to raise any considerations in regard to the guidance in 'Building in contestability'?

Comments:

We would welcome reference in this section of the guidance to the role of young people in commissioning and decision making processes.

The sole considerations for inclusion in the youth offer should not be cost and efficiency. For example, we believe that providers of positive activities included in the youth offer in will need to adhere to high standards in risk management and health and safety, in keeping with the relevant regulations followed by local authorities. Explicit reference to this in the guidance would be welcomed.

11 Do you wish to make any comments about the sections on 'Transport arrangements' (paragraphs 76 to 83) or 'Charging and subsidy' (paragraphs 84 to 86)?



Comments:

Young people in Hampshire have regularly informed us that transport is an issue in preventing greater access to services and we welcome the recognition of this matter in the legislation and statutory guidance. The guidance makes helpful reference to possible ways of addressing gaps in accessing positive activities and linking with transport plans. Our experience has been that demand for transport to activities by young people fluctuates and plans need to be flexible and responsive to change. It would be helpful to say this in the guidance.

We note the reference to the reported effectiveness of reducing or eliminating charges in increasing access to positive activities. Young people have told us they can be put off by this approach if they feel singled out for 'free' or 'subsidised' entry when they are alongside their peers paying the 'full' costs. These matters need to be handled sensitively and reference to this in the guidance would be helpful.

12 Do you wish to make any comments about the section on 'Addressing barriers to equal access' (paragraphs 87 to 90) or 'Information provision' (paragraphs 102 to 108)?

Comments:

The provision of information on positive activities on the scale required and keeping it reasonably up to date provides local authorities and their partners with major challenges. It will be important to present the information in ways which young people find easy to access and understand. The use of modern technology and the involvement of young people in designing and cascading information will be crucial.

The quality assurance standards referred to in paragraph 107 need to be clear and transparent to providers.

13 Do you wish to make any comments about the section 'Personal support' (paragraphs 91 to 101)?



Comments:

Paragraph 92 could include a reference to multi-agency early intervention/preventative teams needing to link young people to positive activity opportunities as part of the support they offer.

Young people have informed us that one of the best way of supporting individuals in hard to reach groups to overcome the access problems they encounter, is through trusted and well informed members of their peer groups supplying the information and personal support they need. The guidance could specifically encourage this approach.

14 Have you any details of good practice that would help inform the section on 'Personal support' ?

Comments:

A report on the successful summer activity scheme for young people who have experienced domestic violence in a district in the north of Hampshire is available.

## Section 5

15 Section 5 strongly encourages local authorities to develop local measures based around young people's engagement in positive activities, thereby enabling authorities to monitor engagement. How do you think this should best be done?



Comments:

Existing annual surveys of young people in schools, colleges and youth groups could include questions related to participation in positive activities to establish a local benchmark and monitor progress year on year.

Focus groups and specially designed consultative events may help in assessing the level of access to positive activities by 'hard to reach' young people.

Local youth forums, for example YOF scrutiny panels, could develop their own vision and measures, and work with local authorities to monitor engagement.

16 Do you wish to make any other comments about the section 'Measuring progress' ?

Comments:

Developing ways of measuring progress using information technology is difficult and costly. However, it is critical to have systems in place which indicate the level of involvement of young people in positive activities and the difference made by the introduction of the youth offer.

## **Annexes**

17 Please mention any documents or websites that you feel should be listed in Annex A?



Comments:

18 Have you any other comments?

Comments:

We are concerned that the **minimum** standards of a youth offer referred to in Youth Matters will become **the** standards. We would prefer greater encouragement of innovation and creativity in improving the access of young people to positive activities.

The guidance has a focus on the quantity of provision rather than the quality. We would welcome stronger guidance on issues related to quality assurance:

- Who has what responsibility for the quality assurance?
- Could the exclusion of a provider from the youth offer be contestable?

In recent local consultations young people informed us that the term *Youth Offer* is not one that appeals to them and seems patronising. They recommended that a more engaging phrase or title should be adopted.



Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

**Please acknowledge this reply X**

Here at the Department for Education and Skills we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

X Yes

No

All UK national public consultations are required to conform to the following standards:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

Further information on the Code of Practice can be accessed through the Cabinet Office Website: <http://www.cabinetoffice.gov.uk/regulation/consultation-guidance/content/introduction/index.asp>

**Thank you for taking time to respond to this consultation.**

Completed questionnaires and other responses should be sent to the address shown below by 30 March 2007

Send by post to:

Christopher Bestwick



Ground Floor  
CAXTON HOUSE  
Tothill Street  
London  
SW1H 9NA

Send by e-mail to: [positive-activities.consultation@dfes.gsi.gov.uk](mailto:positive-activities.consultation@dfes.gsi.gov.uk)

