

# The Statutory Basis of Youth Work

## Introduction

There is a tension between the climate of budget reductions in spring 2010 and the continued policy emphasis on early intervention and prevention. The funding of statutory and voluntary youth services appears to be vulnerable in the face of the well-known requirements on local authorities to deliver statutory services such as social care and child protection.

However, there is a basis for youth work in statute and statutory guidance. This paper draws together legislation and policy, supported by evidence from research. It is to be used by those advocating the continued provision of youth work and youth services.

The briefing summarises the key provisions and arguments. The appendix sets out the clauses referred to in the paper to ease access to the detailed evidence.

## Legislation and statutory guidance

The legislation that supports youth work is described in detail in the *Statutory Guidance on Section 507B Education Act 1996* published in March 2008. This statutory guidance sets out the requirements for local authorities to provide youth work in three areas: positive activities, decision making by young people and 14-19 learning.<sup>1</sup>

The primary responsibility for fulfilling the legislation since January 2007 fell within the remit of the Director of Children's Services and the Lead Member for Children's Services.

### 1. Positive activities

The primary duty to secure access to *positive leisure-time activities* sets out two forms of activity. The **educational** leisure-time activities are explicitly linked to youth work methods and approaches (para 19)

*The legislation also requires that the educational leisure-time activities and associated facilities to which access is to be secured must include sufficient educational leisure-time activities (and facilities for such activities) which are for the improvement of young people's personal and social development. This sub-set of 'educational leisure-time activity' relates to activities which are delivered using youth work methods and approaches (para 19).*

The consequences of failure to deliver the statutory duties under section 507B are set out in the guidance:

*Failure by a local authority to fulfil their statutory duties under section 507B (including their duty under section 507B(12) to have regard to this guidance) could result in intervention by the Secretary of State under sections 496, 497 or 497A of the Education Act 1996.*

The purpose of both forms of positive activities, educational and recreational, is *for the improvement of well-being*. The definition of 'well-being' in the legislation reflects the five 'Every Child Matters' Outcomes<sup>2</sup>. *Activities which do not result in an improvement in well-being and which do not help meet these outcomes are not within the scope of the new duty (paragraph 16).*

*Aiming High for Young People: a ten year strategy for positive activities* (July 2007) is referred to in the statutory guidance.

The new legislation also underpins the Government's 10 year strategy for positive activities: *Aiming high for young people*. This was launched in July 2007 and introduced new reforms and

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<sup>1</sup> The use of italics denotes quotation from the document under discussion. The reference assists follow up reading.

<sup>2</sup> Available from <http://www.everychildmatters.gov.uk/aims/outcomes/>

funding commitments intended to secure an offer for all young people, and particularly the most disadvantaged (paragraph 9).

### **1.1 The link between positive activities and youth work**

The argument in the ten year strategy is as follows:<sup>3</sup>

- Positive activities are to improve outcomes for young people as in ECM.
- Experiences in teenage years continue to shape the character and personal attributes of young people and their level of resilience.
- Developing resilience is more important than ever for young people to cope with the challenges they face in transition. *Aiming High for children: supporting families* identified three factors that help to build resilience. The third factor is social and emotional skills (2.7)
- There is more to do to promote the development of these skills especially for those at the risk of poor outcomes (2.8)
- Evidence show that young people's participation in positive leisure-time activities, as well as offering enjoyable and exciting opportunities, also supports the development of resilience through building social and emotional skills (2.9)
- Positive activities can support young people's participation in learning, particularly those who are disaffected from school. (2.11)

The strategy concludes this argument with a very strong statement of recognition of the role of high quality youth work:

*[T]he 'Government's view [is] that high quality youth work, delivered by third and statutory sectors, is central to delivering our ambition of increasing the number of young people on the path to success (5.52).*

### **1.2 Youth workers**

*Aiming High for Young People* puts at the heart of the youth offer *Skilled, knowledgeable, trusted adults and the relationships they build with young people* (5.60). The role of youth workers for young people facing disadvantage is described in detail.

*But for those facing disadvantage, the support and motivation they receive from other adults – professional youth workers and volunteers alike – can be life changing, by providing new role models who raise aspirations (para 2.17)*

*Youth workers and other professionals clearly play a central role. Often they are able to build relationships with young people that other professionals may find challenging. The best youth work challenges young people to have high aspirations and provides them with the skills to succeed in and out of education (para 5.61).*

## **2. Decision making by young people in the Statutory Guidance on Section 507B**

*The legislation creates new requirements that place young people at the heart of decision making on the positive activity provision available to them (paragraph 5). Supporting and facilitating the engagement of young people in decision making and ensuring their voices are heard and their influence felt is central to youth work approaches and methods.*

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<sup>3</sup> The references are to the paragraphs in *Aiming High for Young People*

*The local authority will also need to ensure that young people are involved in determining what activities and facilities should be available to them. In particular, local authorities should ensure they ascertain and take into account the views of young people who face significant barriers to participation or are considered to be at risk of poor outcomes such as young people in care; young people from minority groups; and young people with disabilities (paragraph 31).*

*The legislation specifies that the local authority must ascertain and take account of young people's views on current provisions, the need for new activities and facilities, and barriers to access. As well as dedicated youth provision, the local authority should seek young people's views on leisure centres, libraries and any other activities and facilities which are intended to be accessible to young people and/or the wider community (paragraph 32).*

Aiming High for Young People includes more information on decision making by young people including the commitment known as *budget devolution*.

*The Hear by Right standards* published by the National Youth Agency and the Local Government Association are used by local authorities and voluntary organisations to develop and improve practice and policy on the active involvement of children and young people. Youth services frequently take a lead on this area of work.

### **3. 14-19 Pathways to Learning and Raising the Participation age (RPA)**

#### **3.1 Engagement**

The statutory guidance to Section 507B makes the connection between positive activities and access to learning.

*...young people's participation in positive activities. This will be important in reducing the proportion of 16-18s not in education, employment and training and ensuring young people have the right personal development opportunities to enable them to take full advantage of 14-19 pathways for learning (para 8)*

The requirement in the *Raising the Participation Age Delivery Plan* that *local authorities and their partners explore alternative settings, linked to suitable re-engagement routes* (page 24) offers an opportunity for youth services to engage in provision to raise participation. The government's 2007 strategy to reduce the number of young people who are NEET states that youth services have an 'important role' to play helping young people to re-engage in work or learning.

**(Reducing the number of young people not in education, employment or training (NEET) – the strategy** - DCSF, 2007 p3 - [http://www.dcsf.gov.uk/14-19/documents/neet\\_strategy\\_0803.pdf](http://www.dcsf.gov.uk/14-19/documents/neet_strategy_0803.pdf)).

There is a wealth of evidence which shows how youth work approaches can effectively support young people back into learning and training. This is particularly well documented through Ofsted inspections. In Cornwall, for example, youth workers are described as engaging 'effectively' with young people not in education, employment or training (NEET) through a range of projects and methods including mentoring in schools and colleges to encourage young people to complete their course (Ofsted, 2008). Youth workers in Kent, alongside partner agencies, are highlighted as providing 'high quality, well-integrated support' to young people excluded from school or at risk of disengaging with learning (Ofsted, 2008).

An evaluation of the Neighbourhood Support Fund (NSF), a three-year programme funded by the Department for Education and Skills, also provides evidence of the success of using youth work settings to re-engage hard-to-reach young people with education, employment and training. The evaluation found that the programme led to positive outcomes for over two-thirds (68%) of young people including education, training or employment opportunities. The young people also gained basic skills which 'laid the foundations for future progression to mainstream provision'.

**(Supporting the hardest-to-reach young people: the contribution of the Neighbourhood Support Fund - NFER, 2004 - <http://publications.dcsf.gov.uk/eOrderingDownload/RR535MIG2397.pdf>).**

### **3.2 Personal and social development**

Personal and social development, a benefit of positive activities delivered by youth workers is central to Foundation Learning. This is recognised in the delivery plan: *Raising the participation age: supporting local areas to deliver*, DCSF, December 2009.

*Foundation Learning offers new opportunities for learners mainly at Entry level and level 1. It will help these young people via a flexible curriculum based on vocational/subject learning, personal and social development and functional skills. Some Foundation Learning for 14–19 year olds will be delivered in every area by September 2010, and all post-16 provision at Entry level or level 1 should be delivered through this route (3.11).*

*Foundation Learning will make a significant contribution to the future of young people who are at risk of disengagement from learning or have disengaged. The flexibility of Foundation Learning along with a strong emphasis on destinations, means it enables progression to higher levels of learning – with strong local 14–19 collaboration ensuring the right opportunities are on offer (3.12).*

### **3.3 Personal, Health and Economic Education (PSHE)**

There is a commitment to make PSHE statutory from September 2011 (p20). This may bring the current contribution of youth work to PSHE onto a firmer footing.

Youth workers are often involved in delivering PSHE alongside sexual health workers and other partners. The government's guidance on teenage pregnancy recognises the role of youth work methods in helping to promote sexual health, reduce teenage pregnancy and tackle drug and alcohol use among young people. The guidance identifies 'a well resourced youth service, providing things to do and places to go for young people, with a clear focus on addressing key social issues affecting young people, such as sexual health and substance misuse'.

**(Teenage pregnancy next steps: guidance for local authorities and primary care trusts on effective delivery of local strategies** -Department for Education and Skills, 2006 - <http://www.dcsf.gov.uk/everychildmatters/resources-and-practice/IG00145/>).

### **Conclusion**

The requirement of youth work is made in Section 6 of the Education and Inspections Act 2006, which inserted Section 507B into the Education Act 1996. The Statutory Guidance on Section 507B (2008) spells this out. The statutory basis for youth work is strengthened by the inclusion of Foundation Learning as a strand in the 14-19 offer recognised as participation under the RPA legislation and plans with the recognition of the contribution on non-formal learning to this.