

**Apprenticeships, Skills, Children and Learning Bill
Action for Children Second Reading Briefing, 23 February 2009**



A briefing for MPs on the proposals set out in the Apprenticeships, Skills, Children and Learning Bill.

Summary

Action for Children welcomes the Apprenticeships, Skills, Children and Learning Bill and its provisions which we believe will improve services for vulnerable children, young people and families.

We support the proposals to place Sure Start Children's Centre's (SSCC) on a statutory footing. We believe that the legislation must avoid watering down any elements of the core offer already covered in guidance and must reinforce the importance of SSCCs providing the range of quality services which are both safe and responsive to local need.

We also support measures to strengthen Children's Trusts by putting Children's Trust Boards on a statutory footing. However, we would like further details on the arrangements for monitoring the effectiveness of these strengthened arrangements. We will also seek assurances that the voices of young people will be at the centre of consultations during the preparation or revision of children and young people's plans.

Action for Children is calling for alternative pathways into apprenticeships to be included in the legislation, to allow young people from marginalised backgrounds who would otherwise be excluded to progress into apprenticeships.

We believe that key to the success of education provision in the secure estate is a thorough ongoing assessment based on the social welfare of a young person, carried out at an appropriate stage and as early as possible.

Action for Children will be seeking clarification that young people who are currently receiving specialist support in an alternative provision will be able to remain in an appropriate education placement after the age of 16.

We will be seeking assurances that the rights of children and young people placed in Local Authority care will be protected in the proposals to improve the current complaints system.

Action for Children

Action for Children is one of the leading voluntary sector providers of children's services, working in partnership to run nearly 450 services for nearly 170,000 children, young people and their families across the UK. In doing so, we see at first hand the difference that legislation makes to vulnerable children and young people, as well as the challenges and obstacles that those we work with still have to face.

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Action for Children's Commentary on the Apprenticeships, Skills, Children and Learning Bill

APPRENTICESHIPS

Part 1 – Apprenticeships, study and training Chapter 1 - Apprenticeships Clauses 10–20

This part of the Bill puts forward apprenticeship frameworks that require a person to obtain a qualification such as an NVQ at level 2, 3 or in a particular subject to meet the competence and knowledge elements, as well as key skills in literacy and numeracy. The reforms of the apprenticeship 'brand' include positioning them at level 3 in the learning framework, new funding arrangements with employers, national co-ordination through a new apprenticeship body, and duties on both employers and Local Authorities to facilitate access to apprenticeships where suitable.

Action for Children's views

As apprenticeships are a key part of mainstream education provision, young people from marginalised backgrounds will continue to experience the same difficulties accessing this offer as they currently do with other forms of further education. Typically some young people who have experience of the criminal justice system, care leavers, and young carers all have periods of missed education leading to low educational attainment at the point where the apprenticeship offer becomes available. Young people from these groups often benefit from intensive support on skills development courses that are offered outside of the formal 14-19 framework. Action for Children has experience in working with young people at entry or foundation level who fall below the proposed eligibility threshold for apprenticeships at level 2 and understand that less-formal training can be a useful pathway back into formal education or apprenticeships.

Action for Children believes that provision should be made within the legislation to include a number of alternative pathways, allowing young people from marginalised backgrounds who would otherwise be excluded progress into apprenticeships. In particular, we believe that powers given to the Secretary of State under Section 4 of the Education and Skills Act 2008 "*Appropriate full-time education or training*" should be used to provide further clarity on the learning pathways for especially vulnerable groups of young people.

Action for Children case study

A Pathway to Apprenticeship: Action for Children Youthbuild evaluation

Action for Children Scotland Youthbuild is a pre-vocational programme of support for young people aged 16 to 24 for entry into the construction industry. It offers a programme of support and training targeted at socially excluded young people who may face challenges in entering and competing in the labour market.

In December 2007, an independent evaluation of the Youthbuild programme was commissioned to explore the cost effectiveness and outcomes for young people who have engaged with the Youthbuild programme and who received intensive support to help them enter, and stay in, the employment market.

Successes on the Action for Children Scotland Youthbuild programme include:

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- a 70 per cent to 80 per cent success rate across the three projects for helping young people move into employment following their involvement in the programme
- high completion rates for the programme, with 32 of the 43 young people who entered the Action for Children Scotland Youthbuild programme completing and moving into either construction or some other form of employment
- considerable savings of working with this cohort – for example, the annual cost for a male in a youth offenders' institution is estimated at £47,000

Scotland has one of the highest rates in Europe of unemployment among young people. Our aim is to show how the problem of youth unemployment can be positively addressed for the benefit of the young people concerned, their communities and for the wider economy.

EDUCATION PROVISION 16-19 YEAR OLDS

Clause 36 - Duty to participate in education or training: apprenticeship agreements

The Bill proposes to transfer the responsibility for securing education for all 16-19 year olds to Local Authorities (LAs), who will plan, commission and fund provision for young people in their area. Because many young people may live in one local authority but receive education in another, LAs will work together in sub-regional and regional groupings to ensure that commissioning plans are coherent and reflect the ways young people travel for provision across LA boundaries.

Action for Children's views

Action for Children would like assurance that young people who are not currently accessing mainstream education and are in an alternative provision, receiving specialist support, will be able to remain in an appropriate education placement after the age of 16.

Any decision about placements must not be influenced by financial constraints. Local authorities must be supported to commission services that fully meet the individual needs of the young person as well as being, responsive, flexible, and of a high quality.

EDUCATION FOR PERSONS SUBJECT TO YOUTH DETENTION

Part 2 – LEA functions

Clause 47 - Provision of education for persons subject to youth detention

Clause 47 will require local education authorities in England and Wales (LEAs) to provide education and training to meet the reasonable needs of the children and young people in the youth justice system who are held in establishments within their local areas.

Action for Children's views

Young people within the secure estate have some of the lowest educational outcomes relative to their peers. A 2001 study by HM Inspector of Prisons found that of a 171 young people sampled:¹

¹ A Second Chance: A Review of Education and Supporting Arrangements within Units for Juveniles managed by HM Prison Service. HM Chief Inspector of Prisons for England and Wales/The Office for Standards in Education 2001 - 2002

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- 84% had been excluded from school
- 86% had truanted from school including
- 52% had left school at 14 or younger
- 29% had left school at 13 or younger
- 73% described their educational achievement as nil
- 10% had one or more GCSE

There are currently a number of barriers to the development of a quality education offer within the secure estate, which are outlined below.

- Many young people entering the secure estate do so for relatively short periods of time. The average length of a Detention a Training Order (DTO), around four months, means that a young person only spends around 8 weeks in the secure estate before they are released to complete their sentence on license. This can act as an incentive to provide for particular types of education programme that do not deliver accreditation compatible with mainstream education qualifications.²
- The length of the DTO can make the delivery of education difficult as the process of matching the education to the need of the young person is made difficult due to the length of time, it takes to issue a statement of special needs (typically 27 weeks).
- The structure of the DTO can make it difficult to provide a continued level of education whilst a young person is on license, and the Youth Justice Board has found only a quarter of young people leaving custody had any education, training or employment arranged within their first week; over a half still had no arrangements in place after a month.
- Within the secure estate education and training provision is patchy. There is a commitment of 30 hours per week of education and skills provision but figures suggest that the average amount of time spent on education and training is much lower.

Action for Children believes that any offer must be developed within the existing reforms of the 14-19 learning and skills agenda. Key to the success of education provision in the secure estate is a thorough assessment based on the social welfare of a young person carried out at an appropriate stage and as early as possible. We believe that the proposed reform of the YJB ASSET assessment to reflect the risks of re-offending and not social welfare needs will make it more difficult for young people with high levels of need to receive the education and support they need to re-engage with their communities once released on license. This view is supported by a recent young offenders' and education paper from the DCSF which stated that "... [m]any young people in the system engage in short-term programmes for the duration of their sentence and have no long-term learning pathway plans. Much of this type of provision is funded by short term European funding streams and discretionary funding which can create further discontinuity."³ We would like assurances that the assessment system, once reformed, links into the other mechanisms for collecting information about children and young people.

While we welcome measures in the legislation to strengthen the duties on both home and host local authorities towards young people sentenced to custody it is imperative that the appropriate support is provided. Many young people who genuinely warrant a period in custody need to be able to take full advantage of the stability that the secure estate offers and be able to build on this on their release in a consistent way.

CHILDREN'S TRUST BOARDS

Part 9 – Children's services

² Education for Young People Supervised by the Youth Justice System. DCSF 2007

³ *Issue paper 1 – Participation in education, training and employment*, Education for Young People in the Youth Justice System – A Consultation, DCSF 4 July 2007

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Clause 185 – Children’s Trust Boards

Clause 185 of the Bill aims to strengthen Children’s Trusts by: putting Children’s Trust Boards on a statutory footing; extending the existing duty to co-operate to promote children’s well-being to include all maintained schools, Academies, FE and sixth form colleges and Jobcentre Plus; and placing a duty on the CT Board to prepare, publish and monitor a strategic Children and Young People’s Plan.

Action for Children’s views

Action for Children welcomes the proposals to expand on the current arrangements to improve children’s wellbeing and strengthen Children’s Trusts by putting Children’s Trust Boards on a statutory footing. Given existing concerns about the impact of Children’s Trusts in improving outcomes for children and young people, particularly the most vulnerable and excluded, and ongoing difficulties with pooled funding arrangements, we will require further detail about proposed arrangements for monitoring the effectiveness of these strengthened arrangements.

With reference to subsection 4(f) of new section 17 to be inserted into the 2004 Act, Action for Children would like reassurance that the consultation to be carried out during the preparation or revision of a children and young people’s plan will include the voices of children and young people as an essential part of the consultation process.

SURE START CHILDREN’S CENTRES

Sure Start Children’s Centres (SSCC) have no established statutory existence; they are just one way in which local authorities can choose to provide integrated early childhood services to meet their duties under current legislation. The Bill will give SSCC a specific statutory basis, and place new duties on LAs to establish and maintain sufficient numbers to meet local needs. This reflects current good practice, rather than creating any new requirements on local authorities or other service providers.

Action for Children’s views

We believe it is essential that SSCCs are placed on a statutory footing. We see this as a timely development which will bring SSCCs into the universal infrastructure and demonstrate that SSCCs are a long term obligation not a short term initiative. We further believe that this legislation should help protect SSCCs against political churn when we know that stability of arrangements is essential in securing improved outcomes for children, young people and families.

This legislation must enshrine the principles of SSCCs, demonstrating how they are a mechanism for achieving positive outcomes for children and families. In particular, we believe there should be an emphasis on services that enhance children’s emotional wellbeing. It is important that the role of SSCCs in promoting young children’s mental health and psychological wellbeing is highlighted and evaluated.

Action for Children is an experienced provider of SSCCs, working with local authorities and their communities across the country. We are the largest provider of family support services in the UK, helping children and families with the most difficult problems. We believe that SSCCs are a key part of community-based networks to support children and families with a wide range of needs, including those who need targeted support at particular times in their lives.

For further information about SSCCs, we have published a briefing which outlines why SSCCs helps children and families in need. This can found at:

<http://www.actionforchildren.org.uk/uploads/media/29/337.pdf>

SURE START CHILDREN’S CENTRES REACTING TO LOCAL NEED

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Clause 186 – Arrangements for Children’s Centres;

Clause 186 (5A subsection 2) – Arrangements for provision of children’s centres

Clause 186 (5A subsection 2) sets out the definition of “local need” in relation to children’s centres as “the need of parents, prospective parents and young children in the authority’s area”.

Action for Children’s views

Action for Children Children’s Centres are an accessible way to support the whole families’ needs, from universal provision to targeted interventions. Our experience of partnership working, combined with our extensive expertise, knowledge and capacity, enables us to have a flexible approach to meeting the changing needs of children and families in local communities.

This legislation must strike the balance between; both preserving the SSCC core offer (Clause 186 5A subsection 4B), and, enabling sufficient flexibility for innovation and local responsiveness. The key to ensuring that the core offer remains intact is to demonstrate that this is the foundation upon which all SSCCs should build their services, rather than being over-prescriptive and setting the offer out in legislation as a rigid, maximum standard.

This legislation must not water down any of the elements of the core offer already covered in guidance. Action for Children further believes that the legislation must reinforce the importance of SSCCs providing quality services which are responsive to local needs. This must be reflected in the guidance.

Action for Children case study

Action for Children’s Kate’s Hill and Sledmere Children’s Centre – reaching out to minority ethnic parents and children

Action for Children’s Kate’s Hill and Sledmere Children’s Centre, which is located in a very ethnically diverse community, found that a significant number of children spoke little or no English when they started school.

This meant that starting school was a very traumatic time for the children. In addition, the Centre knew that many of their parents were also struggling with English as a second language. Many of the families were very isolated and were having difficulty accessing even basic services, such as the local doctor, or finding out what services were available to them.

To address this, the Action for Children team launched the Early Start English for Speakers of Other Languages Programme at the Centre, helping both the children and their parents learn English and boost their confidence in social situations. Sixteen parents and their children attended the first course, all of whom came to us by word of mouth.

Using local networks, the Centre also asked for help to identify families who would benefit the most from the course.

Over the 10-week course, the confidence of the parents grew and this was crucial for their children’s development. Many of the parents are going on to full ESOL courses, while others are staying on with their children for ‘play and stay’ sessions at the centre. By combining English with a focus on their children, this course enabled the team to reach families they had never been able to reach before.

The recently published Guidance on the Children and Young People’s Plan sets out the relationship between SSCCs and Children’s Trusts. The guidance also stresses the importance of preventative and early intervention services being offered within SSCCs. It also outlines the importance of gathering

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evidence against outcomes to monitor the effectiveness of services. We would like assurances that these principles will be reflected universally in the delivery of all SSCCs and set out in accompanying guidance to the legislation.

Action for Children national study: The importance of targeted services

Action for Children believes that SSCCs should operate as the universal setting from which the need for targeted family support services is identified and addressed. A new, independent national study, commissioned by Action for Children from *Synergy Research and Consulting Ltd*, looks at the delivery of intensive family support services through Action for Children run SSCCs. Initial findings include:

- Intensive support can make a positive difference to the lives of children and their families in even the most challenging circumstances.
- Targeted support is not seen as stigmatising by parents and young people, who welcome a *personalised* approach to their problems in order to produce *personalised* outcomes
- Robust outreach, whereby project staff make individual contact with families in the community - in their own homes in the first instance - is essential to make a reality of access for those families who are seen as being the most “hard to reach”.
- Workers with a wide range of skills and professional backgrounds can work together to deliver a high quality family support service.
- Intensive family support based on sustained professional relationships is particularly effective in cases of neglect.
- *Effective family support* encompasses services which deliver both practical help and emotional support.
- The measurement of an individual child level outcome needs to allow for the concept of *added value*, given the complex needs of many families in receipt of targeted services. A genuinely preventive approach seeks - at every point - to prevent “something worse” happening, whatever that may be.

SURE START CHILDREN’S CENTRES: SAFEGUARDING CHILDREN

Clause 188 - Children’s centres: Safeguarding children

Clause 188 amends paragraph 3(1) of Schedule 4 to the Safeguarding Vulnerable Group Act 2006 to add children’s centres to the list of establishments used for determining whether an activity is capable of being regulated activity. The effect of this amendment is that everyone involved in working or volunteering at a children’s centre will be engaged in regulated activity.

Action for Children’s views

We are pleased to see specific reference to safeguarding arrangements included within the Bill. However, we would like to see the provisions set out in Clause 188 supported by broader requirements to tighten safeguarding arrangements within the multi-agency context of SSCCs in the accompanying guidance.

As a major provider of SSCCs, our staff have highlighted some concerns about the multi-agency safeguarding arrangements that currently operate within some SSCCs. For example, we have concerns that within some SSCCs each agency has a separate file for each child. We believe that this is a very risky practice in terms of safeguarding and, in fact, has already been identified in some serious case reviews. We believe that legislating for SSCCs would, by formalising the role, ensure the accountability and status of the centre manager. This will help in providing clear governance which we believe will have a positive effect on managing safeguarding and practice standards within multi-agency teams. It should also help to provide clarity around current competing target requirements, as well as helping to ensure

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that appropriate information is shared across agencies enabling SSCCs to be more responsive to local needs.

Action for Children would like to see:

- Clear lines of accountability for safeguarding within SSCCs developed for all staff and volunteers.
- When setting up a SSCC it must be made clear which agencies' policies and procedures are to be followed. There must be clarity about both management and professional advice to workers, and the role of supervision.
- There must be agreement on the expectations for recording that all staff have appropriate safeguarding learning and development that ensures they are able to differentiate between a child in need and a child in need of protection, and know how to act in these situations.
- Each SSCC should have a designated lead on safeguarding (similar to that in schools)
- SSCCs role in safeguarding should be recognised both by the SSCC itself and the wider safeguarding network.

There is a clear need for SSCCs to be included in local child protection/child in need information sharing networks. It may be that statutory centres will need to follow the Local Safeguarding Children Board's (LSCB) procedures in place for that locality, with requirements to work in partnership and possibly representation on the LSCB. Consistently using local authorities as the sole accountable body should help enforce this and clarify issues about accountability, even where the work is commissioned out to the voluntary sector.

ALTERNATIVE PROVISION

Part 11 - Learners

Clause 236 - Short stay schools: miscellaneous

Pupil Referral Units (PRUs) are a type of school, set up and run by local authorities to provide education for children who cannot attend a mainstream or special school.

The legislation proposes measures to require local authorities to replace failing PRUs with a specified alternative, and to hold a competition for replacement PRUs, bringing the intervention regime for PRUs into line with that for mainstream schools.

The Bill will also propose a change of name for 'Pupil Referral Unit' - *Back on Track Next Steps* published in October proposes the name 'Prospect School'.

Action for Children's views

Action for Children welcomes the Government's continued commitment to ensuring Pupil Referral Units (PRUs) are delivering high quality education and support to children and young people.

From our experience of delivering alternative education, we know that all children and young people are unique and must be at the centre of decision making about any services that are there to support them. We also know that every young person has an inherent right to develop their potential, regardless of their previous educational experience.

It is crucial that any changes to the way PRUs are developed reflect these principals in order to meet the needs of these vulnerable young people who must be supported to access a stable education.

Action for Children will be interested in the results of the 12 pilots "testing new and innovative ways of teaching those who have been excluded, those at risk of exclusion or those who cannot be taught in mainstream schools for other reasons" launched within the publication of 'Taking 'Back on Track' forward.

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We are hoping that these pilots assist in identifying how alternative education can complement and work alongside current mainstream education, providing support for the most vulnerable and excluded young people to enable them to transit back into the community and mainstream education.

PARENTAL COMPLAINTS

Part 10 – Schools

Chapter 2 – Complaints: England

Clause 194 - Complaints to which this Chapter applies

The Children's Plan contained commitments to look at ways of improving the current complaints system, including those concerning bullying. However, the Secretary of State is currently limited in exercising his powers. The Bill will reform the current system to give the Local Government Ombudsman the power to resolve complaints which have not been resolved at school level.

Action for Children's views

Action for Children supports the proposals to improve the current complaints system. However we would like clarification that equal rights will be afforded for those young people placed in Local Authority care. We are seeking assurances that there will be no conflict of interest in the process whereby the local authority could effectively have the role of complaining about its own services on behalf of children and young people.

Action for Children will pursue this issue through the Committee stages of the Bill to ensure that robust processes will be in place to protect the rights of children in care.

For further information, please contact Claire Francis, Action for Children Parliamentary and Public Affairs Manager on 020 7704 7132 or claire.francis@actionforchildren.org.uk

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