



Apprenticeships, Skills, Children and Learning Bill Children's Services Development Group Parliamentary Briefing (Second Reading)

The Children's Services Development Group:

The members: Cambian Group; Castlecare Group; Foster Care Associates; Hesley Group; National Fostering Agency; NorthernCare and SENAD Group, work together to campaign for a child-centred and needs-focused approach to children's services, placing the wellbeing of each child at the forefront of policymaking.

The CSDG are particularly interested in the elements of the Apprenticeships, Skills, Children and Learning Bill, which pertain to both looked-after children and those with SEN; with specific reference to: Apprenticeships (Part 1), appropriate expenditure (clause 40, 4(e) and 5) and Children's Trusts (clause 185).

This briefing sets out our views on key parts of the Bill and proposes particular areas where clarification or amendment may serve to influence how the Bill may work in practice.

I hope that you will find this to be of use ahead of the Bill's second reading on Monday 23rd February.

Part 1 – Apprenticeships:

The CSDG welcome proposals for the extension of accessibility to diplomas, apprenticeships and conventional education for 14-19 year olds, however, adequate measures must be made to ensure that the most vulnerable young people have the opportunity to take advantage of these measures.

There is a danger that looked-after children will 'fall through the gap' in accessing 14-19 services due to the many extra pressures that they face during this critical period. For instance, care leavers are likely to be dealing with the turmoil of moving out of the care system and into independent living during this time and are statistically more likely to neglect education and training as a result.

Currently, only 29% of care leavers are in education, training or employment at age 19, often due to the strains faced during this 'transition' period. Moreover, educational outcomes for those in care are also typically poor with just 12% gaining 5 A*-C GCSEs compared with 59% of the general population.

The CSDG are aware of the potential risk that in the drive for enhanced uptake of 14-19 education and training, those in care will be overlooked and under-represented and would seek an assurance that where appropriate, every effort is taken to secure the necessary support and appropriate access to apprenticeships for those making the difficult transition from care.

Use of Authorities' resources and expenditure on services:

The CSDG welcome the Bill's measures to ensure that "suitable education and training" will be provided to "meet the reasonable needs of persons in their area", specifically taking into account the needs of those with SEN, and are reassured that measures are taken in clause (5) which go some way to allow for the variations in expenditure necessary to secure the most effective services for each young person.

This is particularly important when commissioning services for those with learning difficulties, whose needs are often of significant complexity as to require intensive services, which can require more resources than other, less specialised choices.

Particularly helpful is the specific clarification in clause 40 (5) of the Bill that “disproportionate expenditure” does not relate to circumstances where it may be necessary to commission a service that is more expensive than comparable options.

Indeed, in order to secure necessary provision for some young people, particularly for those with learning difficulties or SEN, the proportionate cost may be greater. However, it is vital that a focus is retained on the value of what is being commissioned. Many of the best possible educational and emotional outcomes for young people with SEN are achieved through highly specialised, excellent provision, which by nature will require greater financial investment.

Therefore, the CSDG welcomes the implication through clause 40 (5) that quality and cost are inextricably linked when it comes to service provision. Nevertheless, whilst section (5) of the clause provides a helpful starting point for defining appropriate means of allocating Local Authority resources, sub-section (e) still leaves significant ambiguity over guidance on spending decisions.

This is a concern for the CSDG, as we believe that it is imperative that disputes over cost do not lead to young people being denied access to the best possible services to meet their individual needs.

If, as the Bill suggests, funding decisions will not be based on comparative expense, the Bill must include a tightened definition of “disproportionate expenditure” so as to encourage local authorities to make commissioning decisions based on finding the best quality for young people. In its current inception, there is a danger that Local Authorities may use 40 (4e) as a means of restricting spending on services that are vital for young people with SEN.

A tightening up of 40 (4e) would provide greater clarification for Local Authorities spending criteria when buying in services, allowing 14-19 year olds to access the specialist support they need as they move into adulthood.

Special Educational Needs:

Clause 45, which encourages Local Authorities to consider out of area placements for young people with SEN is especially welcome and will act as a valuable means of ensuring a range of the best quality services are accessible to more young people.

Highly specialist services are not available on an area by area basis and therefore, sub-regional groups provide a welcome and practical approach to ensuring widened access to a variety of excellent services for an increased number of young people with learning difficulties.

As providers of services for young people with complex needs we will be keen to work with Local Authorities in this way.

Children’s Trusts:

The CSDG have noted the positive measures within the Bill to strengthen Children’s Trust Boards (CTBs), securing increased multi-agency representation through a broadening of their “statutory partners” to include maintained schools, Academies, SFCs, FE colleges and Jobcentre Plus.

However, in drafting effective Children and Young People’s Plans (CYPPs), it will be essential for CTBs to consider information from a wide range of key stakeholders in the children’s services sector. The CSDG are anxious that adequate measures should be taken to ensure that the expertise of local private, voluntary and independent (PVI) providers of a range of 14-19 services are able to take part in the discussions of CTBs, and also to prepare for the demand that may fall on them as key delivery partners.

Indeed, frontline delivery of the measures laid out in each CYP will often be provided by the PVI sector, with care placements and SEN schools an essential part of ensuring that all 14-19 year olds have access to the services that they need.

In this vein, whilst there is not necessarily the case for placing partnership working with PVI providers on a statutory footing, the CSDG would recommend the introduction of 'best practise' guidance from DCSF to promote closer relationships between CTBs and PVI children's services companies at a local level, in particular relating to residential and foster care and service provision for special needs.

This would serve to ensure that expertise on SEN, safeguarding and transitions to independent living are incorporated effectively into CYPPs, allowing for the best educational and holistic outcomes for these young people.

In Summary:

The CSDG are happy to provide you with any more detailed information that you may require on this Bill and urge you to consider these issues during the second reading of the Bill.

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