



Apprenticeships, Skills, Children and Learning Bill CSDG briefing and suggested amendments

About CSDG:

The CSDG are a policy focused coalition of independent providers of children's services.

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.

We have comments and suggested amendments on one element of the Bill that are relevant to the areas Maria Miller is covering, which is Children's Trusts and their discussions with private, voluntary and independent providers of children's services.

1) Children's Trusts (Part 9, clause 185 (2)) : **CSDG position on 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.

Involving providers in CTBs discussions:

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 a duty on local authorities, via CTBs, to engage with providers of services in or near their local area, to promote closer relationships between CTBs and providers 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.

Suggested amendment:

The Bill amends the Children's Act 2004 in relation to CTBs. The CSDG would like to suggest the inclusion of a new clause within this section of the Bill to tighten operation in this area:

Part 9, 185, 2, 12A NC3 – Local authorities will have a duty to engage with private, voluntary and independent providers of children's services when commissioning in and around their local area.

2) Use of Authorities' resources and expenditure on services (Clause 40, sections 4 and 5):

Position on the Clause:

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 40 (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 necessitate 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.

Recognising the Value of Specialist Services:

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 values other than the financial 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) and (5) 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.

Suggested amendment:

The CSDG would suggest the following amendment as a means of clarification:

To change Part 2, clause 40 (5) from:

4 (e) make the best use of the authority's resources and in particular avoid provision that might give rise to disproportionate expenditure.

(5) Provision is not to be considered as giving rise to disproportionate expenditure only because it is more expensive than comparable provision.

To:

(5) Provision is not to be considered as giving rise to disproportionate expenditure:

(a) only because it is more expensive than comparable provision

(b) if it provides a higher level of specialism, that is necessary to meet a young person's needs.

3) Access to apprenticeships for looked-after children:

Position on the issue:

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.

At second reading Ed Balls did stress that the intention of increasing the relevant partners for children's trusts would be to "make opportunity available to all children and young people in their [CTB's] areas, not just some."

However, The CSDG believe that this does not go far enough in enshrining access to apprenticeships for some of Britain's most disadvantaged and disaffected young people.

Consequently, the CSDG would suggest the following new clause be added to the bill

Possible amendment:

Part 1, NC38 – Children's Trust Boards must work with looked-after children's teams in order to promote access to apprenticeships for looked-after children and care-leavers.