

**The NSPCC response to the  
Statutory Guidance on Section 6 Education & Inspections Act (Positive  
Activities for Young People)  
(Department for Education and Skills)**

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## Introduction

The NSPCC is the UK's leading charity specialising in child protection and the prevention of cruelty to children. The aim of our FULLSTOP Campaign is to end cruelty to children. We believe that, given the will, most abuse can be prevented. In order to achieve this, it is vital that all children, whatever their needs, have a range of services that are flexible and offer them support and protection.

The NSPCC exists to end cruelty to children through a range of activities designed:

- To help children who have suffered abuse overcome the effects of such harm;
- To prevent children from suffering abuse;
- To prevent children from suffering significant harm as a result of ill-treatment;
- To help protect children who are at risk of such harm;
- To work to protect children from further harm.

We have more than 180 teams and projects throughout England, Wales and Northern Ireland and the Channel Islands. Their work includes:

- Family support, assessment, counselling and therapy to children and families experiencing abuse;
- Investigations into allegations of child abuse;
- Work within schools and other youth organisations to provide a voice for children and advocate their rights.

## General comment

The NSPCC wholeheartedly supports the provision of more positive activities for young people, and welcomes this guidance. The need for such activities is well documented, especially by young people themselves in NSPCC research commissioned by the DfES<sup>1</sup>. It is further underlined by a recent survey conducted on behalf of the DFES by the National Children's Bureau (NCB) and the Children's Rights Alliance for England (CRAE) to inform the UK government's report to the UN Committee on the Rights of the Child on its progress with implementing the UN Convention on the Rights of the Child (UNCRC). The online survey element of this work asked what would make life better for children and young people. The top response for all age groups was 'greater opportunities of leisure activities, sport and socialising'.<sup>2</sup> We hope that the government's initiatives in this area will provide children and young people with the activities they so clearly want.

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<sup>1</sup> NSPCC, 2005. *Report of the NSPCC's face-to-face consultations with young people on Youth Matters*. London: NSPCC

<sup>2</sup> Source: presentation by CRAE and the NCB to the Children, Young People and Families Board of Stakeholders, March 22, 2007.

However, we are very concerned that the current draft of the guidance does not offer adequate guidance to local authorities on how to fulfil their obligations to ensure *safe* provision of educational and recreational leisure-time activities. This contradicts the Annex to *Youth Matters: Next Steps* which states the government's expectation that, with regard to young people's services, children's trusts are to "ensure that safeguarding policies and procedures are in place for young people".<sup>3</sup>

The guidance therefore fails to ensure the paramountcy of the best interests and rights to protection, of children, as enshrined in Articles 3 and 19 of the United Nations Convention on the Rights of the Child and as required by the Children Act 2004. In our view, it is crucial that the guidance should include a focus on children's right to protection from all forms of violence and exploitation, to assist them to protect themselves and to expect that people will protect and help them. We recommend that the final guidance should include a dedicated section on safeguarding, to ensure that children's protection rights are fulfilled and that activities are safe for children. This would be consistent with the Government's stated commitment to safeguarding.

Local authorities should be required only to engage organisations which can demonstrate that they provide a safe environment for children and provide services to children within a culture of vigilance. The guidance should ensure that providers of services have in place:

- a) an active and appropriate safeguarding policy
- b) appropriately trained staff, able to identify and act on signs of abuse
- c) staff with a current Criminal Records Bureau (CRB) check
- d) access to national guidance to help them provide a safe environment for children, such as *What to do if you're worried a child is being abused*, (Department of Health, 2003).
- e) a programme of staff training that ensures that they have up-to-date safeguarding skills
- f) staff who are trained in behaviour management and have the skills required to ensure safe handling of the children in their care.

Local authorities should make it clear, through their advertising of services and tendering for service providers, that safeguarding for children must be an underpinning element of the activities provided. This will help to make it less likely for those who may abuse children to seek to become involved in their provision. The safeguarding guidance should also state clearly that these services will be included in Joint Area Reviews whether they are provided directly or commissioned by the local authority.

The CRAE/NCB survey for the DfES also found that six per cent of children and young people wanted a more tolerant society: less discrimination and greater acceptance of difference. The NSPCC is concerned that the guidance

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<sup>3</sup> DfES, 2006. *Youth Matters: Next Steps*. Nottingham: DfES, Annex A, p 37.

does not include information on the need to engage marginalised groups of young people in positive activities, and we have focused on this particular issue in our responses to the specific consultation questions, below. We have responded only to those questions on which we have competence to comment.

## **Responses to specific questions**

In 2005, the NSPCC was commissioned by the DfES to devise and conduct ten focus group consultation events with hard to reach groups, and to put a report together of the findings (NSPCC, 2005. *Report of the NSPCC's face-to-face consultations with young people on Youth Matters*. London: NSPCC). The focus groups comprised structured activities and group-based discussions, with hard to reach groups of young people who were at risk of, or who had suffered, disadvantage, discrimination or maltreatment. These discussions took place in the second half of 2005, and involved young people in the following groups:

- young women who had been in trouble with the law and had spent time in young offender institutions
- young people who were in local authority secure accommodation as they face risks to their safeguarding and welfare
- young people who had been identified as displaying sexually harmful behaviour to others
- young people with physical and learning disabilities
- young mothers
- young people in pupil referral units
- young people who misuse drugs and/ or alcohol
- young homeless people
- young people in residential settings or foster care, and
- unaccompanied asylum-seeking young people.

A number of these focus group discussions were developed in partnership with other voluntary organisations, such as the YWCA and NCH. We have drawn on the outcomes of this focus group research in our responses to the questions below.

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

To ensure that all children are involved in the positive activities that are developed, the NSPCC considers that it is important specifically to mention in the guidance certain groups of marginalised children and young people to ensure that Local Authorities do not overlook them in their planning processes.

In addition to those already highlighted in the draft guidance, these children/young people include: teenage mothers, asylum seekers, unaccompanied asylum-seeking children, children not attending school

through truancy or exclusion, children on the child protection register, homeless children and children in contact with the youth justice system.

In engaging these groups, it is important to acknowledge that many of them may not readily accept the offers made and an approach of positive outreach must be taken in ensuring their take up of services. In NSPCC research of 2005, across the groups of young people met, there was a worrying lack of belief or trust in the support services offered to them. They often felt that these services had repeatedly missed the mark, had not recognised the help they really needed and had not delivered.

There is a risk that these experiences could influence how they respond to opportunities to engage in positive activities, unless those providing them make a particular effort to engage with them to discuss what kind of provision they would like. Whatever services are developed will have to address this widespread lack of faith. One aspect of this is the attitudes and communication skills of the staff who are employed. We would be happy to discuss this in more depth if this would be helpful. The use of such techniques can assist in minimising the potential for young people to be responded to in unhelpful ways, as demonstrated by the following quote:

The NSPCC research also found widespread agreement among the young people that they needed a greater range of activities available to them that are:

- Safe;
- Affordable – preferably free;
- Varied;
- Accessible for disabled young people
- Locally accessible
- Provided specifically for young people – or have ‘young people only’ time.

This means that young people's access to positive activities will only improve if local authorities follow the guidance AND ensure those five key issues are addressed.

The young people involved in the consultation process, although recognising that universal services for young people could never cater for each individual's circumstances, clearly did want services which were more designed around young people's needs and wants (rather than those of the provider). They also wanted them to have the flexibility to meet the very specific needs of the most vulnerable young people. This flexibility is essential for ensuring *all* young people's access to the positive activities.

**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?**

Local authorities must make it clear, through their advertising of services and tendering for service providers, that safeguarding for children must be an underpinning element of the activities. Doing so can help to make it less likely that those who may abuse children will seek to become involved with the activity.

That safeguarding is not mentioned in the guidance is of grave concern to the NSPCC, as expressed in our General Comment, above. We reiterate that it is crucial for this to be included in the final version of the guidance.

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

Local Authorities are directed to consult with children and include them in the full planning process of the activities but the NSPCC considers that paragraph 30, about involving children directly in design, delivery, assessment of services and to devolving aspects of service delivery to them, is moved to the beginning of that section to emphasise its importance.

Doing so will make it clear that the guidance is directing LAs to do more than conduct consultations with children and young people, but requires their full participation in all stages of the process.

**Section 2**

- 6. a) Is the explanation of the legislation clear?**  
**6. b) If no, how could this be improved?**

Yes, we consider that it is clear.

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

As stated above, the word 'access' must be understood in the fullest sense of the term. It is important that activities are accessible to all children, including disabled and disadvantaged children and young people, and also that provision should be sufficiently local to make it readily accessible.

In addition to tangible processes such as transport and physical accessibility, methods of positive outreach are required to attract those children and young

people least likely to engage in the activities, as discussed in more detail in our response to question two.

## **Section 4**

### **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)?**

As well as utilising professional service providers, it is important to emphasise the contribution that can be made by the voluntary and community sector (VCS). The VCS is often able to provide the services required and does so without a need to generate profits, thus ensuring that children are more likely to be able to afford their services.

In developing contracts with service providers, it is essential that they are written in such a way as to ensure that profit motives do not override the requirement for the services offered to be affordable for children and appropriate to their needs and wishes and safe for children.

For this to happen, all providers must be contracted to provide services that are:

- Safe;
- Affordable – preferably free;
- Varied;
- Accessible – for disabled young people
- Locally accessible;
- Provided specifically for young people – or have 'young people only' time.

The NSPCC research found that if these considerations are not fulfilled, the positive activities are unlikely to be widely used.

### **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)?**

#### *Transport*

In the NSPCC research, transport was often referred to as essential to the success of initiatives. Young people need to be able to travel easily and safely to take up the opportunities and support offered to them. This has particular relevance to many disabled young people, those living in rural areas – both of whom are mentioned in the guidance – but also for young people new to this country who understand little about the transport systems.

However, what all young people share is difficulties with the cost of transport. Even a fairly low amount can be either unaffordable or enough to put a young person off travelling and encourage them towards spending their money on another, possibly less productive, activity.

### *Charging and subsidy*

In the NSPCC research, there was widespread agreement among the young people that they needed activities that are affordable, and preferably free. In engaging service providers, the unique ability of the Voluntary and Community Sector (VCS) to provide low cost, non-profit, activities must be acknowledged and their use encouraged. Contracts and funding arrangements with private, profit-making, companies must ensure that the activities that they provide are always easily affordable, as well as ensuring that children are effectively safeguarded (see above).

### **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)?**

Please see our responses to Questions 2, 7, 9 and 11 above, which refer to issues that can create barriers to children and young people using services.

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

As stated above, the guidance should be revised to ensure that local authorities take full account of the needs of vulnerable and disadvantaged groups of children and young people.

In engaging these groups, it is important to acknowledge that many of them may not readily accept the offers made and an intelligent approach of positive outreach must be taken in ensuring their take up of services.

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

The NSPCC has school-based projects in England, Wales and Northern Ireland, catering for children and young people from age seven to 18. They provide counselling, group work, drop-ins, peer support, training and anti-bullying programmes. We also have many therapeutic centres for young people who have maltreated, as well as a number of family support projects, many of which work with families with teenagers. The *Solihull Time Out Young People's Centre* is a good example of one our services

## Solihull Time Out Young People's Centre

The Solihull Time Out Young People's Centre provides a range of easy to access advice, advocacy, counselling and participation services for young people age 9 –19 years old on any issue or difficulty that they present with. The main aim of NSPCC Young People's Centre's is to increase the safety, self esteem, confidence and general well being of young people by enabling them to have the utmost choice, control and influence in the services they receive and give at Time Out and in the services for young people locally and nationally. Time Out aims to try to reach the two out of three children and young people who do not tell of their abuse and also those young people who are struggling with worries and issues in their lives that make them vulnerable.

The NSPCC is happy to provide further information about any of our services and to organise visits for officials.

### 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?**

The NSPCC supports effective measures to monitor C&YP's engagement, and these must include measures to assess the engagement of the vulnerable and disadvantaged groups we have mentioned in response to question two.

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

As well as having indicators that measure the scale of engagement of *all* children and young people, and the level of participation in the planning and decision making processes, Local Authorities should ensure that children and young people are an active part of the evaluation and measurement process itself.

### Annexes

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

We consider that it would be helpful to list the following in Annex A.

- NSPCC, 2005. *Report of the NSPCC's face-to-face consultations with young people on Youth Matters*. London: NSPCC

- This publication is available from the NSPCC and a copy of the full report has been submitted together with this consultation response.
  - This research offers local authorities and those they commission with reliable data for what children and young people think about positive activities and will help them to develop effective consultation and participation plans to ensure that the most appropriate, and likely to succeed, services are provided.
- Department of Health, 2003. *What to do if you're worried a child is being abused*. London: DH
    - An invaluable guide for anyone who comes in contact with children and may at some stage be confronted with an issue of abuse disclosure by a child, or in any way suspects that a child has or is being abused.
  - NSPCC, 2006. *FirstCheck: A step by step guide for organisations to safeguard children*. London: NSPCC.
  - NSPCC, 2003. *StopCheck: A step by step guide for organisations to safeguard children*. London: NSPCC
    - This publication is a smaller and more user-friendly version of the content available in the NSPCC's FirstCheck.
    - Stop Check is available on-line at <http://www.nspcc.org.uk/publications>
  - Services should always provide information about ChildLine as one of the services they can signpost for young people's benefit.

## **18. Have you any other comments?**

### *Support services*

As part of a wider culture of safeguarding, activities for children should offer a place where they have an opportunity to disclose abuse and discuss concerns to staff and to seek help. Many children do not feel secure enough at home to do this and youth services, such as the positive activities, are an opportunity for them to discuss these confidential and problematic issues.

This does not need to take place in counselling sessions, but with people who are skilled in dealing with these issues in both an informal and client-centred way. These people could be fully qualified counsellors though having staff with training in basic counselling skills, and an ability to direct children to more appropriate services as required and to identify related risks, is a minimum requirement. It would be ideal for every positive activity to have these counsellors, but to ensure there is real access to counsellors, at least some activities in every local authority, and activities of appropriate variety, must be included.

With this in mind, services that are accessible at all times need to be available, as suggested by one young person in the NSPCC research:

*“like an advice centre you can just go in and talk to a person and say look I’m worried about ... You need a set group of adults in your area that are there for the young kids to talk to. Someone if they need help or advice and they can’t talk to anyone else about it. Sometimes things are better telling a stranger, something you don’t want to tell your friends and family, you want to talk to someone who’s not going to judge you by it.” (Young person17, Bristol)*

### *Safeguarding*

We reiterate once again that safeguarding must be a core element of the final guidance for the reasons given above.

### **Concluding comments and recommendations**

The Statutory Guidance on Section 6 Education & Inspections Act does not address, in any way, the safeguarding implications of the provision of activities for children. The NSPCC therefore recommends that:

- a new section is inserted into the guidance, to direct local authorities to ensure that the services for children are provided in a safe environment.

The guidance can also be strengthened through ensuring the provision of listening services and through enhanced measures for consulting and securing the participation of children and young people, expanded guidance on how to engage all children in these processes and promoting the involvement of the Voluntary and Community Sector. As such, the NSPCC also recommends that:

- counsellors, social workers and staff trained in how to deal with issues of disclosure by children and young people must be included in any of the Positive Activities provided;
- in directing Local Authorities to ensure the involvement of all children, those most likely to be excluded should be given particular attention, to ensure they are not missed in planning processes and that provision also meets their needs;
- the concept of children and young people’s full participation in the planning and delivery of the positive activities needs to be emphasised, to ensure that it extends beyond simple consultation;
- the guidance should encourage the use of the Voluntary and Community Sector in providing appropriate and cost-effective activities.

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