

Explanatory Memorandum to The Children and Young People's Plan (Wales) Regulations 2007

This Explanatory Memorandum has been prepared by the Department for Children, Education, Lifelong Learning and Skills and is laid before the National Assembly for Wales.

(i) **Description**

These regulations set out the requirement for local authorities to publish, in conjunction with their local partners, a strategy for discharging their functions in relation to children and young people.

(ii) **Matters of special interest to the Subordinate Legislation Committee**

None

(iii) **Legislative Background**

Section 26 of the Children Act 2004 permits the Assembly Government to make regulations requiring local authorities to publish a strategy for discharging their functions in relation to children and young people. The regulations are subject to the negative resolution procedure.

(iv) **Purpose and intended effect of the legislation**

Since 2002, local authorities in Wales have been required, on a non-statutory basis, to form Children and Young People's Framework Partnerships, bringing together representatives of statutory and voluntary sector organisations to plan integrated services for children and young people.

The Children Act 2004 (the 2004 Act) gave a statutory basis to these partnership arrangements. Section 25 of the 2004 Act requires local authorities to make arrangements to promote co-operation with its local partners to improve the well-being of children in the area. Local partners include the Local Health Board, NHS Trust, Police, National Offender Management Service, Youth Offending Team and the voluntary sector. The Welsh Assembly Government is also a local partner by virtue of the place previously allocated to ELWa.

Guidance on local co-operation under Section 25, entitled *Stronger Partnerships for Better Outcomes*, was issued last summer.

The new statutory Children and Young People's Plans will replace those previously produced on a non-statutory basis. The intention is that the Plans should act as a three-year strategic vision for all services provided to children and young people in the local area, based on the Assembly Government's seven core aims for them. They should set joint targets and provide a basis for the joint commissioning of services and pooled funding. They should also set out proposals for more integrated working aimed at earlier preventative interventions for children and young people.

The Children and Young People's Plans will contribute to the plan rationalisation agenda by replacing the existing requirements for

- The (Social Services) Children's Services Plan
- The Single Education Plan
- The Children's Partnership Plan; and
- The Young People's Partnership Strategy and Annual Plan for Youth Support Services

(v) **Implementation**

These Regulations were made on 4 August 2007 and come into force on 1 September 2007.

(vi) **Consultation**

Consultation, including with children and young people, was undertaken over a 3 month period to 1 June 2007.

(vii) **Regulatory Impact Assessment**

The Regulatory Impact Assessment is below.

(viii) **Contact details**

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REGULATORY IMPACT ASSESSMENT

a) **Options**

Given that local authorities are already required to bring together Children and Young People's Partnerships to produce Children and Young People's Framework Plans, the options were:

- a) continue with the existing non-statutory guidance;
- b) revise the guidance on a non-statutory basis; or
- c) make regulations and supporting statutory guidance.

b) **Benefits**

- a) Continue with the existing non-statutory guidance

This would have the benefit of reducing administrative effort since no change would be required. There would be no other benefit.

- b) Revise the guidance on a non-statutory basis

This would enable new guidance to be drafted on the basis of experience gained since the non-statutory guidance was drafted in 2002.

- c) Make regulations and supporting statutory guidance

As with option (b) above, this would allow experience since the 2002 guidance was drafted to be taken into account. However, in addition it would also raise the profile of the planning process in the way envisaged when the 2004 Act was passed. It would produce statutory guidance on planning to match the statutory guidance on partnership working, *Stronger Partnerships for Better Outcomes*.

c) **Costs**

There will be administrative costs, primarily for the local authorities but also, to a lesser extent, to their partners in

attending partnership meetings and in producing the Children and Young People's Plans. These may be compensated by efficiency savings generated by the avoidance of duplication arising from integrated planning. In any event, costs will not be significantly greater than those currently incurred in the non-statutory partnership planning process.

Funds are available from the Cymorth grant scheme to support the administrative costs of partnership working. Total allocations to local authorities for 2007-08 are some £56 million. It is for the local authorities and their local partners to determine how much of this to allocate to administrative support.

d) **Competition Assessment**

Not applicable

e) **Consultation**

A three month consultation was carried out on the draft guidance and regulations, including three consultation events in different parts of Wales.

The following stakeholders were consulted:

Chief Executives of County and County Borough Councils in Wales; Chief Executives of Local Health Boards; Chief Executives of NHS Trusts (Wales); local authority Lead Directors and Members for children and young people's services; Local Health Board Executive Directors and designated non-officer Board Members for children and young people's services, NHS Trust Lead Executives and Non-executive Directors for children and young people's services, Police Authorities and Chief Constables of Welsh police forces; the Fire and Rescue Service; Chief Probation Officers; Youth Offending Teams.

Representatives of local schools; Local Safeguarding Children Boards; Welsh medium organisations for children and young people; Community Strategy, HSC&WB, Community Safety, and Communities First Partnerships and the local planning authority (including the 3 National Parks); Youth Justice Board and Local

Criminal Justice Board; The Children's Commissioner for Wales; The Welsh Language Board; Directors of Public Health; Chief Officers of Community Health Councils, Wales Council for Voluntary Action; Race Equality Organisations in Wales; Funky Dragon; local youth forums; NHS Confederation Wales; Welsh Local Government Association; Association of Directors of Social Services in Wales, Association of Directors of Education in Wales; Care Council for Wales; individuals and organisations involved in the delivery of services to children and young people.

Consultation lasted for three months to 1 June 2007. Annex 1 lists those bodies or individuals which responded and Annex 2 is a summary of the responses.

Amendments made to the regulations following consultations are summarised below.

- (i) Following requests for a longer consultation period for draft Plans, the time allowed has been extended from 10 to 12 weeks;
- (ii) A number of bodies have been added to the list of those who must be consulted on draft Plans: further education and work-based learning providers, school councils, local youth forums, Estyn, the local team of the National Public Health Service and children and young people, families and bodies representing them ;
- (iii) Given the need for detailed consideration of the large number of wide- ranging responses received, the date for the regulations coming into force was extended from 31 July to 1 September 2007.

f) **Post implementation review**

The effect of the order will be monitored through the five-yearly review process.

g) **Summary and recommendation**

The local authority sector will face some costs but, as outlined above, there is likely to be little or no net increase on the costs of the current informal arrangements. The option in the regulations is the most effective because it not only takes account of experience in operating the non-statutory partnership planning process but it also raises its profile by making it statutory.