

# Fair Play for Children Association

## Evidence to APPG on Youth Affairs

### **Article 31 of the UN Convention on the Rights of The Child**

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

1. Fair Play for Children, founded in 1972 by Archbishop Trevor Huddleston, exists to promote the Child's **Right to Play, Article 31 of the UN Convention on the Rights of the Child**. [Link to FPfC background here](#)  
We comprise over 250 membership organisations in the UK. Our work is described on the website [linked here](#).
2. The Right to Play embraces those aged up to 18 years, and beyond in specified circumstances. It is proper and reasonable to contain youth work within its definition, as age-specific response to that right for older young people.
3. Although not incorporated into UK domestic law, The Convention's basic principles inform and underpin much current UK legislation e.g. The Children Act 1989 and much else.
4. The main legislative provision on youth work is found in the Education Act 1996 as amended by the Education and Training Act 2006. The [Fair Play for Children briefing](#) on this is also submitted: "LOCAL EDUCATION AUTHORITY OBLIGATIONS CONCERNING PROVISION OF RECREATIONAL FACILITIES FOR CHILDREN AND YOUNG PEOPLE" and is attached
5. There is a very common perception, amongst LEAs and youth providers, that there is no statutory requirement concerning provision of youth services. As reference to 508 and 507a and 507b makes clear, this is erroneous. One

example of how a local authority made this error: Brighton & Hove projected to remove most youth provision with the Service Committee Chair's explanation that it was discretionary. How Officers could fail to advise the actual position must give cause for serious thought, and it became clear that this idea was not just held by the Chair. A [Freedom of Information request was sent by myself to DfE](#) and the linked reply came back which was transmitted to B&H. Please also see FoI sent to B&H: [HERE](#)

6. After a very strong campaign by local young people, the cuts were avoided in that year, the change came soon after our FoIs were submitted to the Council.
7. A number of issues may be noted from this:
  - a. DfE shunted responsibility from itself to the Cabinet Office and thence DCMS, yet the obligations are upon LEAs, so this makes no sense at all, and this leads to FPfC's first Recommendation:

#### **RECOMMENDATION 1:**

**That responsibility for LEA observance of s508 and s507a and 507b return to The Secretary of State for Education and the DfE.**

- b. DfE admits no monitoring of LEA performance and delivery under 507/508, a ludicrous position which in our view and based on what has happened, has led to wholesale non-observance of these statutory provisions. **That has led to unwarranted and disproportionate cuts in services and budgets across the country, and lacking the required statutory consultation of young people as at s507b 9(b):** "(b)secure that the views of qualifying young persons in the authority's area are taken into account."

#### **RECOMMENDATION 2**

**That The Secretary of State ensures that there is a programme of monitoring and accountability on LEAs re 507/508, and that should this require SI's and/or Act amendment, that is put in place quickly. FPfC would want to see clear standards and requirements in the reporting which might sensibly be three-yearly.**

- c. The Statutory Guidance for s507b is not adequate and needs revision, there is no guidance for s 507a at all, quite why this was not seen as also necessary is open to question:

### **RECOMMENDATION 3**

**That the DfE consults widely on new Statutory Guidance on both s507a and 507b and publishes same as soon as possible. This should clearly inform LEAs of their statutory obligations and also of reporting requirements.**

d. Many LEAs have implemented cuts in the wake of cuts in local authority funding. We note the emphasis in Article 31.2 on culture and equal opportunity, and note also that as regards Adult Culture and Recreation there are two notable government-resourced public Funds, the Arts and Sport Councils system. Fair Play argues with the greatest strength it can that the current lack of an analogous and fairly-funded provision for Children is discriminatory, as regards A31.2, and also as regards obligations under ECHR A14. 'Equal' cannot just mean 'between children' but as regards children and adults. A31.2: States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

### **RECOMMENDATION 4**

**That the Government establish a Children & Young Persons Play and Youth Fund analagous to, and proportionately funded re The Arts and Sports Councils and that its governing body includes a wide representation of those working in the sector and of children and young people. Also that the Fund be directed to support as a preference activities etc devised by children and young people and from the voluntary/community sector in accordance with s508(3), 507a 3: (3)When making arrangements for the provision of facilities or the organisation of activities in the exercise of their powers under subsection (2), a local education authority must, in particular, have regard to the expediency of co-operating with any voluntary societies or bodies whose objects include the provision of facilities or the organisation of activities of a similar character. s507b 8: (8)For the purposes of subsection (7)(a) a local education authority must consult such persons as the authority think appropriate as to whether it is expedient for the proposed action to be taken by another person.**

8. There have been calls for new legislation and a measure has been tabled in the house for debate in the Autumn of 2018. We would point out the length of time such a route would take, it also assumes in its text that there is no statutory basis for youth work which this submission suggests is not correct.

Better, we would argue, and more likely to engage Departmental and Government attention would be to use that Bill to amend the 1996 Act e.g. by introducing clarifications and requirements re reporting, resourcing etc.

Fair Play for Children hopes this submission will be helpful to the Inquiry.

Jan Cosgrove

National Secretary

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