EXPLANATORY MEMORANDUM TO

THE CHILDREN AND YOUNG PEOPLE'S PLAN (ENGLAND) (AMENDMENT) REGULATIONS 2007

2007 No. 57

1. This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

2. Description

The Regulations amend the Children and Young People's Plan Regulations (England) 2005 (S.I. 2005/2149). The amendments make minor changes to the matters to be dealt with in the plan, consultation requirements during the preparation of the plan and a technical amendment concerning authorities that are exempt from the requirements in the Regulations.

3. Matters of special interest to the Joint Committee on Statutory Instruments

Regulation 4(2)(a) in the Children and Young People's Plan Regulations (England) 2005 was reported in the Ninth Report of the Session 2005-06 for 'inadequate elucidation'. The changes to the regulation in this amendment are designed to meet concerns of the Committee by clearly defining what the statement should include.

4. Legislative Background

4.1 Section 17 of the Children Act 2004 confers powers on the Secretary of State to make regulations to require a children's services authority in England to prepare and publish a plan setting out the authority's strategy for discharging their functions in relation to children and young people. These amendment regulations are the second use of the power under section 17 of the Act.

4.2 Section 17 also provides that the plan may include arrangements made under section 10 of the Act (the duty to co-operate) and the strategy or proposals made with partners under these arrangements.

4.3 The Children and Young People's Plan (England) Regulations 2005 were laid before Parliament on 10 August 2005 and came into force on 1st September 2005. They set out requirements for: the matters to be addressed in the plan, the timing of publication of the plan, manner of publication, consultation during preparation, review of the plan and exception from preparing a plan for 'excellent' authorities. The regulations required authorities to publish their first Children and Young People's Plan (CYPP) on or before 1st April 2006.

5. Extent

This instrument applies to England.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 A statutory requirement to produce a CYPP was introduced in order to help English local authorities and their partners operate more effectively and with less bureaucracy in delivering the outcomes for children and young people as set out in section 10(2) of the Children Act 2004 and in the Green Paper 'Every Child Matters'[1]. The outcomes are that every child will be healthy, stay safe, enjoy and achieve, make a positive contribution and achieve economic well-being.

7.2 The CYPP is the strategic overarching plan for all local services for children and young people and the focus of joint planning for local authorities and their partners. It acts as a vehicle for them to work together to agree clear targets and priorities for all their services for children and young people, identify actions and activities needed to achieve them, and ensure delivery.

7.3 The DfES has undertaken a formal consultation on the CYPP as set out in the Children and Young People's Plan Regulations (England) 2005 and the supporting non-statutory guidance. This showed strong support for the policy and agreement that the regulations and guidance would support the development of the CYPP as an effective tool to drive joint planning for services to children and young people. A formal report on the consultation and the archived consultation documents are available on the DfES consultations website.

7.4 The White Paper: Higher Standards, Better Schools for All: More choice for parents and pupils (paragraph 9.24) proposed adding additional weight to the arrangements set out in non statutory guidance on the CYPP by introducing a requirement for local authorities to consult with schools in the preparation of the CYPP and requiring schools to have regard to the CYPP. The new requirement on schools has been taken forward in Section 38 of Education and Inspections Act 2006. The amendment regulations also include a requirement to consult with Schools Forums and Admission Forums to ensure schools are given sufficient opportunity to influence their local plan.

8. Impact

8.1 The implementation of the CYPP was included in a wider Regulatory Impact Assessment on the impact of inter-agency co-operation, under section 10 of the Children Act 2004 and children's trust arrangements.

8.2 The changes in these amendments will not place an additional burden on local authorities:

8.2.1 The amendment to regulation 4(2) will clarify what is required for future CYPPs produced by authorities without asking them to revisit their

[1] Full document and summary version available at www.everychildmatters.gov.uk/publications/

recently published plans.

8.2.2 The new consultation requirements will not have a significant impact. Authorities have already undertaken comprehensive consultations for their first plans with many introducing a systematic approach for formal review and publication of further plans with the new requirements confirming what is already happening in the higher performing authorities.

8.2.3 The change in categorisation, which affects those authorities excepted from the requirements to prepare a plan, is of a technical nature reflecting changes to categorisation under Comprehensive Performance Assessment. The change has seen a small number of 'excellent' authorities under the 2004 categorisation move to 'three star' in December 2005. They have been given until 1st May 2007 to prepare and publish a plan. All but one of the authorities in this category have published a CYPP and will therefore, have met the requirement when the regulations come into force. The remaining authority is aiming to produce a plan by 1 April 2007.

9. Contact

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