EXPLANATORY MEMORANDUM TO

THE TRANSFER OF FUNCTIONS (YOUTH LEISURE-TIME ACTIVITIES) ORDER

2013 No. 1721

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

2. Purpose of the instrument

2.1The purpose of this statutory instrument is to transfer the functions relating to Local Authorities' statutory duty to secure, so far as is reasonably practicable, youth services. The Order is made to facilitate the Machinery of Government transfer of lead responsibility for Youth Policy from the Department for Education to the Cabinet Office.

It will enable the Minister for the Cabinet Office to issue statutory guidance to local authorities on their duty to secure youth services, so far as is reasonably practicable, and enforce compliance with the duty, where necessary.

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

3.1 None

4. Legislative Context

4.1 This instrument is being made to transfer legislative powers relating to youth services following the machinery of Government changes announced in a written ministerial statement on [date].

4.2 Section 507B of the Education Act 1996 requires a local authority in England to promote the well-being of persons aged 13-19 (and persons aged up to 25 with learning difficulties) by securing access for them to sufficient educational and recreational leisure-time activities, so far as is reasonably practicable. Section 507B(12) requires a local authority, in exercising its functions, to have regard to guidance given by the Secretary of State. The function of issuing guidance is transferred to the Minister for the Cabinet Office.

4.3 Sections 496, 497, 497A and 497AA of the Education Act 1996 provide the Secretary of State with powers of intervention which are exercisable if a local authority does not perform its functions. These powers are transferred to the Minister for the Cabinet Office in relation to local authority functions under section 507B

5. Territorial Extent and Application

5.1 This instrument applies only to England.

6. European Convention on Human Rights

The Secretary of State for Education has made the following statement regarding Human Rights:

In my view the provisions of the Transfer of Functions (Youth Leisure-time Activities) Order 2013 are compatible with the Convention rights.

7. Policy background

7.1 Ministers have reviewed the best way to support young people to realise their potential and have concluded that lead responsibility for youth matters fits better with both the Cabinet Office's policy responsibilities including promoting citizenship and volunteering, supporting public service reform, championing social mobility and democratic participation. They have also concluded that, as Youth Policy is a cross-government issue, the Cabinet Office is better placed, through its role of "supporting collective government, helping to ensure the effective development, coordination and implementation of policy" to coordinate government departments' work.

7.3 The Department for Education will continue to be responsible for education and children's services in England and work to achieve a highly educated society in which opportunity is equal for children and young people, no matter what their background or family circumstances.

8. Consultation outcome

8.1 No consultation was carried out as this Order transfers functions relating to local authorities' statutory duties for youth services to the Minister for the Cabinet Office which in itself has no impact on business, charities or voluntary bodies.

9. Guidance

9.1 The respective pages of the Government websites have been updated with an explanation of the changes. Ministers have contacted key stakeholders in the local authority and youth sectors to advise them of the changes including meeting young people in the youth National Strategy Group and the voluntary sector in the Youth Action Group.

10. Impact

10.1 The impact on business, charities or voluntary bodies is minimal. This instrument will not change these sectors' role in developing youth policy and delivering youth

services. Nor will it affect their relationships with local authorities. The business, charities or voluntary sectors are already in contact about youth issues with several government departments, including the Cabinet Office, and will continue to do so.

10.2 The impact on the public sector is minimal. This instrument will change neither local authorities' duty for youth services nor the statutory guidance.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 There are no plans to perform monitoring or review.

13. Contact

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