

Additional document for 10.10.16 Cabinet meeting regarding HCC position

HCC have outlined their position regarding Harebreaks and Harwoods Adventure Playgrounds in the context of their responsibilities regarding childcare and early education provision.

A summary of their position is as follows:-

The County Council will not communicate with Watford Council prior to its new decision on 10th October 2016 to ensure the APG's remain open due to the fact:

- The provision of the APG's have been made by Watford Borough Council utilising their discretion under Section 19 of the Local Government Miscellaneous Provision Act 1976
- The County Council's duty under Sections 507 and 508 of the Education Act 1996 is a separate and distinct duty placed on the County Council. The County Council discharges its duties in a number of ways which do not require the use of the APG's.
- As the County Council does not secure access to the APG's in discharge of its duties under Sections 507 and 508 of the Education Act 1996, it does not have a statutory duty to consult.

Background to the above position

Sections 507A and 507B of the Education Act 1996 do apply to the County Council. In addition the relevant departments and officers of the County Council are clear of their responsibilities under that provision.

How these legal duties are discharged

In relation to children under the age of 13, the Education Act 1996 and the Childcare Act 2006 place a statutory duty on the County Council to ensure there is sufficient childcare and early education provision for parents/carers who choose to use this. As part of this duty, the County Council publishes an annual report on the sufficiency of such provision on its website. Information about the available provision is also provided through the online childcare directory. In addition Children's Centres help families with younger children to access the provision that best meets their needs.

The APG's are not registered as childcare provision because they are open access sites where children are free to come and go.

The County Council discharges its responsibilities under Section 507B of the Education Act 1996 (relating to provision of leisure activities for persons aged 13-19 and certain persons aged 20-24) through the provision of youth work projects and programmes in all 10 districts / borough areas which is taken forward by its Youth Connexions Teams.

In Watford, these are predominantly delivered at the County Council owned Youth Point

Centre for Young People in Lower High Street, but also in community centres and other facilities across the town. The use and availability of non-County Council facilities does change and provision will move accordingly. Youth Connexions is not reliant on staff, or resources, at non-County Council facilities for the delivery of its offer to young people.

In furtherance of its duty in Section 507B, Youth Connexions consults with young people in a number of ways including;

User Survey - an annual questionnaire which targets young people who access Youth Connexions youth work provisions.

Its Planning and Evaluation Process - young people are consulted termly in projects to ensure the programme is meeting their needs and that the following terms programme will address the Importance to them.

Focus Groups - where a specific need or gap in provision is identified a focus group of young people will be established to confirm the need and plan the format of the proposed new project.

Youth Councils - most areas, including Watford has a youth council / forum. These are regularly consulted as for the provision for young people.

Herts 1125 - the County Council publishes an annual Youth Manifesto which highlights the key priorities for young people. This is written by Herts 1125 - a group of young people from across the county. The priorities are identified by an annual poll where young people can vote for the Issues which are Important to them.

Unsolicited feedback - young people, parents and the public are invited to feedback on the services.

Youth Connexions stopped using Harwoods APG in the spring of this year and Harebreaks APG some years ago as delivery venues for youth work projects, as neither attracted sufficient numbers of young people.

The 2 APG's are provided by Watford Borough Council under Section 19 of the Local Government Miscellaneous Provisions Act 1976. Section 19 provides discretion to provide such recreational facilities as it sees fit.