

# The 'Right to Youth Work in Scotland', a research report for YouthLink Scotland by the Open University Law School

## Summary paper

### Introduction

The research was conducted by the Policy Clinic, as part of the Open Justice Centre at the Open University Law School, tasked with investigating Scotland's current youth work provision and exploring the potential impact of legislating for youth work access.

Below is a summary of the findings. The final comprehensive report can be found [here](#).

Youth work has shown to positively impact young people's confidence, academic achievement, mental health, and rights promotion. With the goal of rooting children and young people's rights in the community, YouthLink Scotland sought to understand if legislation could ensure universal access to quality youth work.

Surveys distributed to youth work organisations across Scotland aimed to capture insights into local, regional, and national youth work policies and strategies. Despite a low response rate, the consistency of responses alongside interviews conducted with youth work leaders, suggests representativeness.

The interviews provided valuable insights into youth work issues. Additionally, the study examined global best practices in youth work from Ireland, England, Germany, and Sweden to assess their applicability in Scotland.

The research, overseen by experienced Open University tutors, involved seven final-year law students in the Policy Clinic. Its purpose was to provide evidence to influence policy and law reform, aiming to improve youth work provision and promote the rights and well-being of young people in Scotland.

### Comparative research into countries that have considered a right to youth work

The purpose was to identify the nature and causes of youth work in other countries by analysing the legal definitions of youth work and their practical contexts.

## England

England's legislative framework for youth work falls short in several key areas, making it a less favourable model compared to others:

**Lack of Clarity and Enforcement Mechanism:** While recent legislation aims to establish a right to leisure-time activities for young people, the wording lacks clarity and does not include a robust enforcement mechanism. Terms like "*may*" instead of "*must*" leave the law subject to interpretation, relying heavily on local authorities' discretion for implementation.

**Difficulty in Enforcement:** Without clear enforcement mechanisms, enforcing legislative rights becomes challenging, expensive, or even impossible for ordinary individuals without legal expertise. The case of the Imam in England highlights the complexities of compelling local authorities to fulfil their statutory duties, even when clear obligations are outlined.

**Limited Oversight and Accountability:** Unlike Scotland, where the Scottish Public Services Ombudsman (SPSO) can intervene in the performance failures of public service providers, England relies on the Local Government and Social Care Ombudsman (LGSCO) to investigate complaints about council services. However, the absence of a statutory enforcement mechanism limits the effectiveness of such oversight, as local authorities retain discretion over service provision.

Overall, the English legislative framework for youth work lacks clarity, enforceability, and effective oversight mechanisms, hindering its ability to ensure consistent and equitable access to youth services and support.

## Germany

Germany serves as a strong model for youth work legislation due to the following key points:

**Legal Framework:** The German youth work policy is defined by Article 1 of Social Code Book VIII (SGB VIII), emphasising the right of every young person to personal development and social competence. The law requires services to reflect young people's interests and encourage their self-determination and social responsibility.

**Inclusive Approach:** Unlike other youth services, German youth work activities target all young people, regardless of specific demographics. The

law even allows individuals over the age of 27 to access certain youth work services.

**Diverse Areas of Youth Work:** Youth work in Germany encompasses a wide range of areas, including informal education, political and social subjects, health-related topics, cultural activities, and more. It is present in various settings such as sports, games, social interactions, schools, and families.

**Funding Streams:** Youth work in Germany is primarily funded by local authorities, with additional support from state and federal levels. Funding also comes from donations, membership fees, participation fees, and grants, providing financial stability and flexibility to youth work organisations.

**Cooperation and Collaboration:** Cooperation between statutory authorities and non-statutory organisations, as well as between paid and voluntary workers, is fundamental to youth work in Germany. This collaborative approach ensures the effectiveness and inclusivity of youth work initiatives.

**Embedded in Culture:** Youth work provision in Germany is deeply embedded in the culture, with services available in every community. This long-standing model of youth work is upheld over time, ensuring consistency and widespread access to youth services.

Germany's youth work legislation and model prioritise inclusivity, diversity, collaboration, and cultural integration, making it a strong example for other countries aiming to establish effective youth work frameworks.

## **Ireland**

Ireland serves as a notable model for youth work legislation due to several key factors:

**Youth Work Act, 2001 (revised 2014):** Ireland's statutory footing for youth work is provided by the Youth Work Act, which outlines the functions of vocational and education committees, grants, appointment of assessors, establishment of voluntary youth councils, and coordination of youth work programmes and services.

**Increased Credibility and Visibility:** Legislation has led to increased credibility and visibility of the youth work sector, providing a framework for effective advisory bodies, consistency, and a blueprint for the sector's operation.

**Strength in Infrastructure:** The legislation has established a strong infrastructure supporting the quality provision of youth work, triggering

recognition and responsibility within government departments to prioritise funding for the sector.

**Statutory Committees:** Implementation of statutory committees, such as the National Youth Council of Ireland and the National Youth Work Advisory Committee, allows for planning and prioritisation of funds, challenging historical disparities in funding favouring formal education over non-formal education like youth work.

**National Youth Work Development Plan:** The National Youth Work Development Plan, along with the National Quality Standards Framework, supports the role of the Youth Work Act by ensuring quality provision, implementation, development, and consistency in youth work services.

**Recognition of Imperfect Legislation:** Despite room for improvement, legislation provides a foundation for the sector's operation, with Scottish youth workers noting that legislation with imperfections is better than none, emphasising the importance of having a legal framework for youth work provision.

Overall, Ireland's youth work legislation provides a comprehensive framework for providing youth work programmes and services, ensuring quality, consistency, and recognition of the sector's importance within the broader education and social services landscape.

## **Sweden**

Sweden serves as an exemplary model for youth work legislation due to several key factors:

**Comprehensive Legal Framework:** Sweden has a robust legal framework governing youth work, including laws such as the Social Services Act, Education Act, and Acts on Support and Service for Persons with Certain Functional Impairments, ensuring the provision of support and services tailored to young people's needs.

**Youth Centres and Clubs:** The Swedish model prioritises youth centres and clubs as safe and inclusive spaces where young people can socialise, access support services, and engage in recreational activities, funded and operated by municipalities.

**Non-formal Education:** There's a strong emphasis on non-formal education and learning opportunities outside traditional schooling, promoting personal,

social, and professional development through workshops, seminars, and skill-building activities.

**Youth Participation and Democracy:** The model actively involves young people in decision-making processes at local and national levels, ensuring their voices are heard and perspectives considered in matters affecting them.

**Youth Employment and Entrepreneurship:** Sweden promotes youth employment and entrepreneurship through various initiatives like job training programmes and support for young entrepreneurs, recognising the importance of economic empowerment.

**Health and Well-being Services:** The provision of health and well-being services tailored to young people's needs, including mental health support and substance abuse prevention, ensures universal access to support services.

**Inclusion and Diversity:** Diversity and inclusion are fundamental principles, ensuring all young people feel welcome and valued within their communities.

**Empowerment and Participation:** The model seeks to empower young people with the knowledge, skills, and opportunities to actively participate in society and shape their futures.

**Collaboration and Partnership:** Collaboration between government agencies, non-profit organisations, schools, and stakeholders drives efforts to better meet young people's needs.

**Prevention and Early Intervention:** A preventative approach focuses on early intervention and support to prevent problems from escalating and promote positive outcomes for young people.

## **Where we are in Scotland**

The results section delves into the analysis of youth work provision in Scotland, starting with an examination of its definition, which lacks formal recognition but is described by respondents as providing a safe space for young people's development, emotional support, and empowerment. The current state of youth work provision highlights its decentralised nature, operating through various organisations catering to different age groups and relying on a mix of paid professionals and volunteers. Despite sustaining itself through diverse funding streams, concerns persist regarding inadequate funding levels and limited capacity to meet demands, underscoring the ongoing challenge of balancing programmatic ambitions with financial realities.

The impact of legislating youth work provision is explored, with respondents expressing broad support for such measures, citing its potential to enable young people's development, empowerment, and societal engagement. Additionally, youth work services in Scotland are tailored to address the needs of vulnerable individuals, offering support in areas such as mental health, employability, and homelessness.

However, gaps in provision, including inconsistent funding, patchy delivery in schools, and struggles to address mental health issues, highlight the need for legislative intervention to streamline services and address emerging challenges.

Moreover, Scotland's commitment to youth work professionalism is examined within the context of the CLD framework, with respondents calling for strengthening support for youth work organisations to enhance outcomes for young people.

Recommendations for a competency-based framework and qualifications for youth workers aim to enhance standards and transparency within the sector.

Lastly, the emergence of digital youth work poses challenges in ensuring safety and inclusivity, underscoring the potential role of legislation in providing a framework for effective digital practice.

### **Impact of legislating youth work provision**

The impact of legislating youth work provision in Scotland is anticipated to be overwhelmingly positive, addressing the critical needs of vulnerable youth and enhancing their development across various domains. Survey responses indicate that youth work offers vital support, including mental health assistance, employability pathways, and personal development opportunities. Legislation could streamline service provision, ensuring consistency and addressing gaps in funding and support, particularly in schools. Challenges such as mental health support, substance abuse, and youth homelessness persist, with proposed solutions including expanding provision in rural areas and improving access for marginalised groups. Strengthening the Community Learning and Development (CLD) framework is essential for enhancing professionalism and effectiveness in youth work. Additionally, aligning with European Council recommendations, defining core competencies and introducing qualifications for youth workers would enhance standards and transparency.

## What should be in any future legislation?

The proposed legislation aims to establish a comprehensive framework for youth work in Scotland, emphasising the need for clear definitions, accountability measures, and provisions for evaluation. Key components include defining youth work and access to trusted adults, setting clear age parameters, establishing accountability for local authorities, conducting needs assessments to tailor provision, monitoring and evaluating outcomes, and ensuring funding for both professional and voluntary services. The legislation aims to prioritise youth work alongside education and childcare, recognising its significant impact on young people's development and societal well-being. It also highlights the role of digital technology while emphasising the importance of addressing digital exclusion and online safety. Overall, the legislation seeks to create a consistent and universally accessible youth work provision to support the holistic development of young people and invest in the future of society.

## Conclusion

There are numerous benefits to making youth work in Scotland a legal right for young people, positioning it as a priority akin to education and childcare. Youth work not only enhances outcomes for young people but also serves as a preventive measure against negative behaviours like substance abuse and crime. However, despite widespread recognition of its benefits, inconsistent funding has hindered its universal realisation. The proposed legislation aims to rectify this by ensuring all young people have access to support, guidance, and a trusted adult. It acknowledges the broad scope of youth work, encompassing diverse activities, and suggests a measurable provision of access to a trusted adult twice a week. The legislation's purpose is more about securing appropriate funding for youth work rather than penalising local authorities. It advocates for local input in measurement and oversight, recognising the complexity of measuring outcomes. While funding from local authorities and the voluntary sector is expected, additional funding may be required initially. The conclusion also highlights the integration of youth work with education and the community. Ultimately, establishing a universal youth work provision is seen as a crucial investment in the future, deserving high priority with the government despite current budget constraints.

*For more on the study and engagement with the Open University team, please contact YouthLink Scotland's Policy and Research Manager, [kkane@youthlink.scot](mailto:kkane@youthlink.scot)*