

Consultation submission: eligibility for the free early education entitlement for two-year-olds from families with no recourse to public funds

20 May 2022

1 Background

- 1.1 This is a joint submission from the Association of Directors of Children's Services, the Local Government Association and the No Recourse to Public Funds (NRPF) Network.
- 1.2 The [Association of Directors of Children's Services Ltd](#) (ADCS) is the national leadership organisation in England for directors of children's services (DCSs) under the provisions of the Children Act (2004). The DCS acts as a single point of leadership and accountability for services for children and young people in a local area, including children's social care and education.
- 1.3 The [Local Government Association \(LGA\)](#) is the national voice of local government. We are a politically led, cross-party membership organisation, representing councils from England and Wales. Our role is to support, promote and improve local government, and raise national awareness of the work of councils. Our ultimate ambition is to support councils to deliver local solutions to national problems.
- 1.4 The [NRPF Network](#), hosted by Islington Council, provides advice and guidance to local authorities across the UK about statutory support for people who are excluded from mainstream benefits and housing assistance.

2 Summary

- 2.1 We welcome the proposal to extend two-year-old early education provision to more families with no recourse to public funds. In addition to benefitting a child's development, access to childcare can help parents to maintain employment, which may prevent a family from requiring a longer-term and more costly intervention from their local authority, should they fall into destitution or experience homelessness and require social services to provide accommodation and financial support under section 17 of the Children Act 1989.
- 2.2 We would welcome ongoing conversations with government on understanding the impacts of the NRPF policy more generally on councils, communities and individuals and families

3 Response

Q1-2. Are there other groups of low income or economically disadvantaged families with no recourse to public funds not listed at paragraph 13 whose children should benefit from the free early education entitlement for two-year-olds?

- 3.1 We support the extension of entitlement to the groups on the proposed list but there are other groups of low income or economically disadvantaged families with no recourse to public funds that are not listed.

(i) Leave to remain with NRPF

- 3.2 As the Immigration Rules are complex and subject to frequent change, by specifying visa types, there is a risk that some families that are subject to a 'No Recourse to Public Funds' (NRPF) condition will not benefit from the extended entitlement.
- 3.3 For example, it is not clear from the proposed list whether children of parents with the following types of work visas would be included:
- UK Ancestry visa
 - Domestic Worker in a Private Household
- 3.4 Therefore, rather than specifying particular types of visas, the criteria could be: 'leave to remain that is subject to a No Recourse to Public Funds (NRPF) condition' to avoid any unintended omissions or misinterpretation by local authorities.

(ii) Pre-settled status (EUSS)

- 3.5 In order to qualify for means-tested benefits, a person with pre-settled status must meet a right to reside test, which usually requires them to be economically active. A parent with pre-settled status who has pre-school age children may not be able to work due to caring responsibilities. In such circumstances, they may be ineligible for benefits. As maintaining employment or self-employment is so intrinsically linked to establishing benefit eligibility, extending early education entitlement to this group is essential.
- 3.6 When families with pre-settled status are unable to access benefits and have no other means to fund their housing and basic living costs, the local authority is likely to be required to provide accommodation and financial support under section 17 of the Children Act 1989. This duty could be engaged on a long-term basis until the parent is able to obtain settled status. Therefore, enabling children in such families to access early education would increase the prospects of parents being able to gain employment and qualify for benefits.

Q3-4. Will our proposal to extend eligibility for the free early education entitlement to include two-year-olds from the groups of families with no recourse to public funds identified in this consultation at section 13 (of this consultation document) have an impact on people who share protected characteristics for the purposes of the Public Sector Equality Duty (Equality Act 2010)?

- 3.7 Extending entitlement to early education to children in households with no recourse to public funds (or who are otherwise ineligible for benefits) will not have a negative impact on people with protected characteristics. Instead, it will reduce inequalities and have a positive impact on people with protected characteristics, such as single parent households, and black and minoritised children, who are more likely to be affected by the no recourse to public funds policy.