
DfE Changes – Update October 2017 to December 2017

Free early years entitlement for 2 year olds under Universal Credit

1. The DfE has launched a consultation proposing to amend the eligibility criteria for free early years entitlement for 2 year olds by introducing an earnings threshold for those families in receipt of Universal Credit. The proposed net earnings threshold of £15,400 per annum would sit alongside the existing eligibility criteria under the legacy benefit system, until Universal Credit is fully rolled out. It is intended for the proposed earnings threshold for the two-year-old entitlement to take effect from 1 April 2018.
2. The consultation also includes the government's plans for communicating these changes to parents, providers and local authorities, and the steps they will take to support their implementation. The consultation closes on the 15th January 2018. Details can be found [here](#)¹.

Eligibility for free school meals and the early years pupil premium under Universal Credit - consultation

3. The DfE has launched a separate consultation on eligibility criteria for free school meals (FSM) and Early Years Pupil Premium (EYPP) under Universal Credit. This consultation includes proposals to introduce a criterion of 'earned income' threshold of £7,400 per annum. There will be protection for pupils who are currently eligible for FSM or EYPP so that they do not lose out under new eligibility criteria. Full details of the consultation, which closes on the 11th January 2018, can be accessed [here](#)².

Guidance on criminal record checks

4. Ofsted has published Disclosure and Barring Service (DBS) guidance for people who work directly with children or run a childcare organisation e.g. childminders; nannies and playgroup owners. DBS checks are also required for any adults living with a childminder who looks after children in their home. The guidance is available [here](#)³.

Consultation on the regulatory framework for National Assessments

5. Ofqual has published a consultation on the regulatory framework for National Assessments (EYFSP and national curriculum assessments). The existing framework can be found [here](#)⁴. The main changes being proposed are:
 - to bring the framework up-to-date by reflecting changes to the bodies responsible for developing and delivering national assessments
 - to provide greater transparency and clarity about how we regulate, including by introducing a section explaining in more detail our regulatory approach, regulatory tools and our focus on the validity of national assessments
 - making sure our expectations of responsible bodies focus on outcomes such as validity, rather than prescribing certain administrative approaches

¹ <https://www.gov.uk/government/consultations/free-early-years-entitlement-for-2-year-olds-under-universal-credit>

² <https://www.gov.uk/government/consultations/eligibility-for-free-school-meals-and-the-early-years-pupil-premium-under-universal-credit>

³ <https://www.gov.uk/guidance/criminal-record-checks-for-childminders-and-childcare-workers>

⁴ <https://www.gov.uk/government/publications/regulatory-framework-for-national-assessments>

- to make more explicit our expectations relating to assessment purpose and to strengthen our expectations about risks that should be escalated to us by responsible bodies
6. The link to the consultation and proposed new framework is [here](#)⁵. The deadline for responses is 20th December 2017.
 7. Ofqual has also recently published research relating to key stage 2 testing which can be found [here](#)⁶.

Elective Home Education

8. A Private Member's Bill on home education had its second reading in the House of Lords. The Bill, if passed, would institute a duty for local authorities to monitor the educational, physical and emotional development of children receiving elective home education in England and Wales, and for a parent to register home-educated children with the local authority. Full details of the paper can be accessed [here](#)⁷.

Academies Update

9. Number in Wiltshire at the beginning of December 2017:

Sponsored academies	20
Non-sponsored converter academies	69

10. New academies in this period:

New Close Primary School

Relationships and Sex Education for the 21st Century

11. Education Secretary Justine Greening has announced that Ian Bauckham CBE will provide the Department for Education with advice on how relationships education, including relationships and sex education for older children, should be taught in schools. As part of his new role, he will speak to parents, teachers, children and other interested groups about the topics that young people today need to understand to stay safe and happy, including age-appropriate content on mental wellbeing, keeping safe online and LGBT issues. The full announcement can be found [here](#)⁸.

Technical education and apprenticeships: raising awareness

12. From 2 January 2018 all local-authority-maintained schools and academies must give education and training providers the opportunity to talk to pupils in years 8 to 13 about approved technical qualifications and apprenticeships. The DfE has released guidance and an example policy statement which can be accessed [here](#)⁹. Further details will be available in the statutory guidance for schools, available from January 2018.

New NCS guidance for local authorities

13. The Department for Digital, Culture, Media & Sport (DCMS) has published non-statutory guidance to help local authorities in England to embed the National Citizen Service (NCS) and to increase the number of young people from all backgrounds taking part in the programme. This document sets out a number of key actions for

⁵ <https://www.gov.uk/government/consultations/regulating-national-assessments>

⁶ <https://www.gov.uk/government/news/research-into-national-curriculum-testing-at-key-stage-2>

⁷ <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/LLN-2017-0084>

⁸ <https://www.gov.uk/government/news/relationships-and-sex-education-for-the-21st-century>

⁹ <https://www.gov.uk/government/publications/technical-education-and-apprenticeships-raising-awareness>

local authorities to take which can help young people get involved in NCS. More details can be found [here](#)¹⁰.

Revised statutory guidance for transport to education and training for people aged 16 to 18

14. The statutory guidance for transport to education and training for people aged 16 to 18 has been updated and published. The aim of the post-16 transport guidance is to provide all the relevant information needed to help local councils fulfil their duty when considering the need for transport support for young people, including those with SEND, to access further education and training. There are no changes to the policy but clarifications have been made. The updated guidance can be found [here](#)¹¹.

Guidance on statutory visits to children with special educational needs and disabilities or health conditions in long-term residential settings

15. The DfE has published Statutory Guidance on visiting children with special educational needs and disabilities or health conditions in long term residential care. The guidance is aimed primarily at local authorities, health bodies and health or educational establishments.
16. Based on The Visits to Children in Long-Term Residential Care Regulations 2011, the guidance covers safeguarding and promoting the welfare of children and young people placed in residential schools, hospitals, and other residential establishments for consecutive periods of three months or more. The full guidance can be found [here](#)¹².

Restraint and restrictive intervention: draft guidance

17. The Department of Health and Department of Education are jointly consulting on draft guidance on reducing the need for restraint and restrictive intervention for children and young people with learning disabilities, autistic spectrum disorder and mental health needs.
18. This guidance will replace *Guidance for Restrictive Physical Interventions: How to provide safe services for people with Learning Disabilities and Autistic Spectrum Disorder (2002, DfES and DH)*; and *Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties (2003, DfES and DH)*.
19. The consultation can be found [here](#)¹³, and is seeking views on how well the draft guidance helps a range of settings and services to support children recognised as being at higher risk of restraint. The guidance applies to health and care settings and special educational settings. The closing date is 24 January 2018.

SEND – single route of redress national trial

20. Robert Goodwill, Minister of State for Children and Families, has announced plans to launch the single route of redress national trial in March 2018. The national trial will expand the powers of the First-tier Tribunal SEND so that it can make non-binding recommendations about the health and social care aspects of Education, Health and Care (EHC) plans alongside the special educational aspects.
21. The Minister has written to DCSs setting out the next steps for the two-year national trial, including further detail on the support package and induction events for senior

¹⁰ <https://www.gov.uk/government/publications/national-citizen-service-guidance-for-local-authorities>

¹¹ <https://www.gov.uk/government/publications/post-16-transport-to-education-and-training>

¹² <https://www.gov.uk/government/publications/visiting-children-in-residential-special-schools-and-colleges>

¹³ <https://consultations.dh.gov.uk/dementia-and-disabilities/reducing-the-need-for-restraint/>

managers across SEND, health and social care that will be taking place in January and February. The pilot legislation can be found [here](#)¹⁴.

Launch of the consultation on revisions to the 'Working Together to Safeguard Children' guidance and draft regulations

22. The DfE has launched a consultation on the revisions to the statutory safeguarding guidance *Working Together to Safeguard Children* and on draft regulations which will underpin legislation introduced by the Children and Social Work Act 2017. They are also consulting on new child death review practice guidance.

23. Key changes include:

- the replacement of Local Children Safeguarding Boards (LCSBs) with local safeguarding partners (local authorities, chief officers of police, and clinical commissioning groups). Safeguarding partners should agree the level of funding secured from each partner and relevant agency, to support the new safeguarding arrangements. Decisions on funding are for local determination, but contributions should be equitable and proportionate to meet local needs. Local agencies should develop processes that promote 1) the commissioning of services in a co-ordinated way; and 2) co-operation and integration between universal services such as schools, GP practices, adult services, early years settings, youth services and colleges, voluntary and community and specialist support services.
- Learning from serious cases – this covers the establishment of a new national Child Safeguarding Practice Review Panel. The Panel will commission and publish reviews of serious child safeguarding cases.
- Child death reviews – this covers the transfer of responsibility for child death reviews from Local Safeguarding Children Boards to new Child Death Review Partners. This will give clinical commissioning groups and local authorities joint responsibility for child death reviews, and enable a wider geographical footprint for these partnerships in order for them to gain a better understanding of the causes of child deaths.

24. The consultation closes on Sunday 31 December and can be found [here](#)¹⁵.

Child and family social work assessment and accreditation system

25. The government has released their response to the consultation on the delivery of the National Assessment and Accreditation System (NAAS) for children and family social workers which can be found [here](#)¹⁶.

26. The key finding was that there was overwhelming concern for the effective delivery of NAAS. As a result, the government has decided to revisit delivery plans. In order to roll out NAAS effectively and to ensure it meets the needs of local authorities and child and family social workers, the government propose to move to a phased approach before progressing with a full national rollout. Key questions that will need to be tested and answered include:

- identifying the nature and level of support required to accompany assessment and accreditation (such as the right support and materials that social workers need to prepare for the test);
- how employers will respond to, and support, people who do not meet the assessment standard and a subsequent appeals process;

¹⁴ <http://www.legislation.gov.uk/uksi/2015/358/made>

¹⁵ <https://consult.education.gov.uk/child-protection-safeguarding-and-family-law/working-together-to-safeguard-children-revisions-t/>

¹⁶ <https://www.gov.uk/government/consultations/social-work-national-assessment-and-accreditation-system>

- monitoring whether the national standard has been set at the right level;
- identifying evidence-based costs and the biggest risks for rolling out the policy more widely; and
- the impact of NAAS on the workforce, including recruitment and retention and social work mobility both within children's social care and the wider profession.

Safeguarding Strategy for Unaccompanied asylum seeking and refugee children

27. The DfE has published a Policy Paper which sets out the government's commitments to safeguard and promote the welfare of unaccompanied asylum seeking and refugee children. The aspiration is that all unaccompanied children have access to the care, services and support they need, with a more equal distribution of caring responsibilities across the UK. This means no one local authority should be caring for a disproportionate number of unaccompanied children. The paper can be found [here](#)¹⁷.

Care of unaccompanied migrant children and child victims of modern slavery

28. The DfE has published statutory guidance setting out the steps local authorities and professionals should take to plan for the provision of support for looked-after children who are unaccompanied migrant children, and who may be victims, or potential victims, of modern slavery. The guidance can be found [here](#)¹⁸.

29. The DfE has also published the government response to the *consultation on the revised statutory guidance for local authorities on the care of unaccompanied asylum seeking and trafficked children* which can be found [here](#)¹⁹.

Reforms to National Referral Mechanism announced

30. Measures designed to radically improve the identification and support for victims of human trafficking and modern slavery have been announced by Minister for Crime, Safeguarding and Vulnerability, Sarah Newton.

31. The government will roll out nationally the provision of Independent Child Trafficking Advocates, who will provide specialist support and act in the best interests of trafficked children. The government will continue to test new and innovative ways of supporting trafficked children (including through the £2.2m funding granted as part of the Child Trafficking Protection Fund). Government will also be exploring how best to make the NRM decision-making process 'child-friendly' including looking at how they are communicating NRM decisions to children. The full announcement can be found [here](#)²⁰.

Internet safety strategy - a consultation

32. The DCMS is consulting on its new Internet Safety Strategy green paper, which can be found [here](#)²¹. The consultation covers various aspects of online safety including: developing children's digital literacy; support for parents and carers; and young people's use of online dating websites/applications. The deadline for response is 7 December 2017.

¹⁷ <https://www.gov.uk/government/publications/safeguarding-unaccompanied-asylum-seeking-and-refugee-children>

¹⁸ <https://www.gov.uk/government/publications/care-of-unaccompanied-and-trafficked-children>

¹⁹ <https://www.gov.uk/government/consultations/care-of-unaccompanied-and-trafficked-children>

²⁰ <https://www.gov.uk/government/news/modern-slavery-victims-to-receive-longer-period-of-support>

²¹ <https://www.gov.uk/government/consultations/internet-safety-strategy-green-paper>

Fostering judgement

33. The Supreme Court recently found a local authority vicariously liable for the abuse committed by foster parents. A summary has been provided to assist in understanding the Court's decision, which can be accessed [here](#)²².

Review of children and young people's mental health services: Phase one report

34. CQC has published a report of the first phase of a Government-commissioned review of mental health services for children and young people in England. It can be found [here](#)²³.
35. The report is the first phase of a major thematic review requested by the Prime Minister in January 2017. CQC has drawn on existing reports, research and other evidence and its inspections of children and young people's mental health services, as well as conversations with young people to identify the strengths and weaknesses of the current system. During phase two of the thematic review, CQC will undertake fieldwork to identify what helps local services to achieve, or hinders them from achieving, improvements in the quality of mental health services for children and young people, as set out in the NHS's Five Year Forward View for Mental Health.

Post-custody young offender restrictions: guidance

36. Revised guidance has been issued by the Ministry of Justice stating that young people can only be tagged or be required to take part in intensive supervision and surveillance programmes on their release from custody if they present a high risk of serious offending that cannot be managed by any other less intrusive means. The guidance can be found [here](#)²⁴.

ILACS frameworks published

37. Ofsted has published the new framework for the inspection of local authority children's services (ILACS), which will start in January 2018. They have also updated existing single inspection framework (SIF) documents to ensure that the current and new guidance align.
38. Outline of updates to existing guidance includes:
- The inspector guidance for monitoring visits to inadequate local authorities has been moved in to the ILACS framework
 - The inspector guidance on shorter re-inspections for inadequate local authorities (the post-monitoring SIF) has been moved in to the SIF handbook.
 - As a result of these two changes, Ofsted no longer need the document that currently contains this guidance and have therefore removed '*Local authority children's services judged inadequate: guidance for inspectors*' from their website
 - Ofsted will no longer carry out reviews of the LSCB. The evaluation criteria and guidance on these has been removed from the single inspection framework and handbook. These documents still refer to the LSCB in relation to the SIF methodology where appropriate as it is recognised that there will be a period of transition to the new safeguarding arrangements. The ILACS framework refers to

²² <https://www.supremecourt.uk/cases/docs/uksc-2016-0004-press-summary.pdf>

²³ <https://www.cqc.org.uk/publications/themed-work/review-children-young-peoples-mental-health-services-phase-one-report>

²⁴ <https://www.gov.uk/government/publications/notices-of-supervision-guidance-for-youth-justice-professionals/notices-of-supervision-guidance-for-youth-offending-teams>

'local safeguarding partners' to future-proof the framework through this transition period

- Ofsted has simplified and clarified guidance on the child-level data lists within Annex A of the framework. It has made clearer links with data returns local authorities are already required to make. It has put the detailed guidance in an Excel file designed to help local authority data managers. This Excel file is published on the same page as the framework. This update applies to the child-level data lists for ILACS and SIF. As with current arrangements, the guidance outlines what inspectors would find helpful, but local authorities can share the information in the manner that best works for them.

39. The new framework can be found [here](#)²⁵, the updated SIF documents [here](#)²⁶, and the updated handbook [here](#)²⁷.

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²⁵ <https://www.gov.uk/government/publications/inspecting-local-authority-childrens-services-from-2018>

²⁶ <https://www.gov.uk/government/publications/inspecting-local-authority-childrens-services-framework>

²⁷ <https://www.gov.uk/government/publications/inspecting-services-for-children-in-need-of-help-and-protection-children-looked-after-and-care-leavers-and-reviews-of-local-safeguarding-children-boa--2>