



Department
for Education

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

Government consultation

Launch date: 16 November 2017

Respond by: 11 January 2018

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Foreword

Our guiding mission for the Department for Education is to promote social mobility and ensure equality of opportunity for every child. Their background should not determine what they can achieve.

However, children and young people from disadvantaged backgrounds remain far less likely to receive the support and opportunities that they need to set them on the path to success. This is not a new problem, but we will not shrink from addressing this generational challenge so that we can make this a country that truly works for everyone.

This government has already taken significant steps towards creating an education system that will help achieve this. We are also taking unprecedented steps to address the historically unfair funding system for schools, and we are maintaining funding for the pupil premium that has provided £11 billion over six years to support the attainment and achievement of disadvantaged pupils from low-income families.

The next step for us is to ensure that those children and families who are most in need benefit from the full range of support our schools can give them. This consultation therefore seeks views on a necessary change to the eligibility criteria for free school meals in England following the introduction of Universal Credit. We are determined to ensure that the pupils who receive meals are those who most need them, and that those who currently receive meals should not lose out.

We estimate that under our proposals around 50,000 more children would receive free school meals in future than at present, enabling us to target support most effectively towards a greater number of families on low incomes. We also want to make sure that as many eligible children as possible are claiming their free school meals.

In establishing these new criteria, we are taking the opportunity to ensure that the new arrangements are fair, consistent and simple to deliver. We propose to use the same criteria to determine eligibility for the early years pupil premium, in order to maintain consistency with the school-aged pupil premium.

I look forward to hearing your views.



Robert Goodwill MP

Minister of State for Children and Families

1. About this consultation

1.1 This consultation invites views on our proposed approach to the following passported benefits under Universal Credit:

- free school meals eligibility for pupils in primary and secondary education and students in further education; and
- the early years pupil premium.

1.2 The current eligibility criteria for free school meals mean that some of the most disadvantaged low-income households do not qualify for free school meals. To address this, this consultation proposes eligibility criteria based on each household's net earnings rather than, as currently, the number of hours worked. It is important to note that a household's net earnings do not include their additional income through benefits. This approach is consistent with the wider approach to determining eligibility to other passported benefits that flow from Universal Credit eligibility.

1.3 This consultation document explains:

- The general principles we have taken into account in considering changes to the eligibility criteria for free school meals and the early years pupil premium in light of the introduction of Universal Credit. Our intention is that these entitlements reach the most disadvantaged households in a way that is consistent, fair and simple.
- The measures we plan to take to protect those families who would otherwise lose entitlement to free school meals as a result of this criteria change. Under our proposals, no child in England should lose their free school meal during the transition to Universal Credit. In fact, these proposals will see more children benefit from free school meals than at present. In addition, any protected pupils who are still receiving free school meals once the transition is complete should continue to receive protection until the end of their current phase of education (e.g. primary, secondary school).
- Our plans for communicating these changes to parents, providers and local authorities, and the steps we will take to support their implementation.

1.4 These changes do not affect the criteria for universal infant free school meals, which will continue to be available to all pupils in reception, year 1 and year 2, regardless of parental income.

1.5 We do not intend to change the current free school meals criteria for children whose parents receive support provided under Part 6 of the Immigration and Asylum Act 1999 or the guarantee element of Pension Credit. These are not to be replaced by Universal Credit.

1.6 We also need to set eligibility criteria under Universal Credit for our free 15-hour early education entitlement for disadvantaged two-year-olds. We will shortly consult on our proposals for this entitlement.

1.7 This consultation is about these entitlements in England only. Northern Ireland, Scotland and Wales have responsibility for establishing their own criteria for these entitlements.

2. Background and context

2.1 Our country has a long-standing principle of providing free school meals to the most disadvantaged children. In 1906, local education authorities were granted a discretionary power to provide free meals to vulnerable children and this provision was gradually expanded during the 20th century. Following the passage of the Education Act 1980, eligibility for free school meals was determined based on the family's receipt of income-related benefits.

2.2 Today, in England, pupils in maintained schools, academies and free schools, as well as 16 to 18-year-old students in further education institutions,¹ are currently entitled to receive free meals if they or their parents or guardians are in receipt of one of the qualifying benefits listed in para 2.8.²

2.3 Universal Credit is reshaping the welfare system by making work pay and helping people into work more quickly. The simplification of the system means a number of the benefits that currently entitle families to free school meals will cease to exist.

2.4 Since 2013, as a temporary measure to ensure that any families moving on to Universal Credit in the early stages of rollout (for example, those in pilot areas) did not lose their entitlements, all such families were entitled to free school meals pending the introduction of eligibility criteria. As planned, we are now bringing forward proposals to replace this temporary measure with clear eligibility criteria under Universal Credit as its national rollout accelerates.

Universal Credit

2.5 Universal Credit is a single payment for people who are looking for work or who are on a low income. It aims to create greater fairness in the welfare system and to help more families move out of poverty by making work pay. The Government is introducing Universal Credit in stages across the country.

2.6 Universal Credit replaces six existing benefits with a simpler monthly payment that gradually reduces as earnings increase, making sure people are better off in work. It delivers a fairer system, by removing inconsistencies that exist between different benefits and tax credits in the current system, and targets resources to those who need it most.

¹ This includes institutions within the further education sector (including general further education colleges, sixth form colleges and designated institutions), special post-16 institutions and independent learning providers, funded by the ESFA to provide education for 16 to 19-year-olds.

² The children of households meeting the eligibility criteria can also receive free school meals in non-maintained special schools.

Free school meals

2.7 Free school meals provide targeted support to families on low incomes. They are aimed at the most disadvantaged pupils and are provided to ensure that eligible children have access to a nutritious meal, which is suitable as the main meal of the day during school term time.

2.8 In England, pupils in maintained schools, academies and free schools are currently entitled to receive free school meals if they or their parents or guardians are in receipt of any of the benefits below. These criteria also apply to 16 to 18-year-old students in further education colleges if they or their parents or guardians are in receipt of any of the following benefits:

- Income Support
- Income-based Jobseeker's Allowance
- Income-related Employment and Support Allowance
- Support under Part VI of the Immigration and Asylum Act 1999
- The guaranteed element of Pension Credit
- Child Tax Credit, provided they are not also entitled to Working Tax Credit and have an annual gross income of no more than £16,190
- Working Tax Credit run-on – paid for four weeks after they stop qualifying for Working Tax Credit
- Universal Credit (regardless of income amount, as a temporary measure during the early stages of rollout).

The pupil premium, national funding formula and early years pupil premium

2.9 Free school meal eligibility is used to determine additional funding for schools and early years settings through the pupil premium, the national funding formula, and the early years pupil premium. We provide this additional funding to ensure that we are targeting resources where they are most needed, recognising that children from low-income families fall behind in school and need more support to improve their outcomes.

2.10 At present, around 1.9 million disadvantaged children (around 27% of all children) are eligible for the pupil premium. The gap between disadvantaged pupils and their peers, measured by the Department for Education's gap index, has narrowed by 9.3% at key stage 2 and 7.0% at key stage 4 since 2011, the year the pupil premium was introduced.³ We are committed to closing this gap, which is why we are determined to target our resources effectively.

³ The key stage 2 gap index is published in Table N11a of the National Tables here:

<https://www.gov.uk/government/statistics/national-curriculum-assessments-key-stage-2-2016-revised>

The key stage 4 gap index is published Table CH4a of the National Tables here:

<https://www.gov.uk/government/statistics/revised-gcse-and-equivalent-results-in-england-2015-to-2016>

2.11 The pupil premium is additional funding for publicly funded schools in England to raise the attainment of disadvantaged pupils of all abilities and to close the gaps between them and their peers. Schools receive pupil premium funding for each pupil registered as eligible for free school meals at any point in the six years before the relevant financial year. The pupil premium rates are currently £1,320 for pupils in reception to year 6 and £935 for pupils in year 7 to year 11.

2.12 The national funding formula for schools and high needs is being introduced from April 2018, and will determine the core funding that local authorities receive from 2018-19 for schools and for pupils with high needs. Free school meals eligibility is used as one of the deprivation factors in the schools national funding formula. Schools will attract funding for each child who was registered as eligible for free school meals at any point in the six years before the relevant census at a rate of £540 for primary school children and £785 for secondary school children. Schools will also attract an additional £440 for each child who was recorded as currently eligible for free school meals in the relevant census. Local authorities can choose to use free school meals eligibility as a factor in their local schools funding formula to determine the funding allocations for schools in their area.

2.13 Current free school meals eligibility is also used within the high needs national funding formula to help determine the distribution of funding between different local areas to support children with high-cost special educational needs, and those in alternative provision. Similarly, free schools meals eligibility is used in the early years national funding formula to ensure that local authorities with higher proportions of these children receive higher levels of early years funding.

2.14 The early years pupil premium was introduced in 2015 to support outcomes for disadvantaged children. It gives providers an additional 53p per hour (up to £302 for the maximum 570 hours per year) for each disadvantaged three and four-year-old taking up the universal 15-hour free early education entitlement.

2.15 The economic eligibility criteria for the early years pupil premium are the same as for free school meals. This means eligibility for support for pre-school children is broadly consistent with the criteria for the pupil premium support for school-aged children. This consistency is important so that the most disadvantaged families benefit from this additional funding across the age range.

3. Proposed eligibility criteria for free school meals

3.1 We are proposing new criteria that would enable a greater number of children to benefit from free school meals, compared to the number receiving these meals at present. We estimate that our proposals would make around 50,000 more pupils eligible for free school meals by the time Universal Credit is fully rolled out. This will enable us to target more children from lower-earning families, so that they can benefit from nutritious, free meals.

3.2 To achieve this, we are proposing to amend the eligibility criteria for free school meals by introducing an earnings threshold for those in receipt of Universal Credit. This is consistent with how the Department for Work and Pensions (DWP) and other government departments have established new criteria for other passported benefits.

3.3 We have used DWP modelling data to help identify an appropriate threshold for eligibility. This takes into account factors such as the impact of the National Living Wage and the number of people expected to claim benefits in the future.

3.4 To enable a greater number of children to benefit from free school meals, we are proposing a net earnings threshold of £7,400 per annum for a household's eligibility for free school meals. We estimate that, under this threshold, an extra 50,000 children would become eligible for free school meals, compared to today's number of claimants. It is important to note that the net earnings threshold does not represent a household's total income, as it does not include their income from benefits, which significantly increase a household's overall income. A typical family earning around £7,400 per annum would, depending on their exact circumstances, have a total household income of between £18,000 and £24,000 once benefits are taken into account.

3.5 We propose to introduce this net earnings threshold in April 2018. New free school meals claimants earning above this threshold after its introduction would not be eligible. We would keep the threshold constant until the end of the Universal Credit rollout period. After that point, we will then keep the threshold under review to ensure those who most need support are benefiting.

3.6 We propose to use the same level of net earned income to determine eligibility for the early years pupil premium, in order to maintain consistency with the school-aged pupil premium.

Example: A household gaining eligibility

Priya is a single parent aged 23 with one child, earning national minimum wage and working 16 hours a week. She earns £504 per month from her work and receives £331 of Working Tax Credit and £277 of Child Tax Credit. Because Priya works 16 hours per week, she is eligible for Working Tax Credit and her child is currently not eligible for free school meals.

In May 2018, Priya transitions onto Universal Credit, and because she earns below the £7,400 per year (£617 per month) earnings threshold, her child will gain eligibility for free school meals. When Priya's other benefits are factored in, her total household income is around £18,200.

Example: A household retaining eligibility

Alice and Sam have two children aged 9 and 13. Alice works 8 hours a week and Sam works 7 hours per week and they are both paid at the national living wage. Their current earned household income is £6,179 per year, and they also receive £509 per month of Child Tax Credit.

As they are eligible for Child Tax Credit, but not for Working Tax Credit, and because they earn less than £16,190 a year, their children are currently eligible for free school meals on the legacy system.

As their earnings are below the £7,400 threshold, they would keep their eligibility for free school meals under these proposals. Factoring in all of their benefits, Alice and Sam's total household income is around £23,900.

Question 1:

Do you agree with our proposed net earnings threshold to determine eligibility for free school meals and the early years pupil premium under Universal Credit?

4. Protecting entitlements for free school meals

4.1 During the Universal Credit rollout period, we will aim to ensure that existing recipients of free school meals will not lose their entitlement following the introduction of new eligibility criteria. We intend to provide certainty for families and to ensure that they do not experience a sudden loss of their free school meals.

4.2 Every pupil who is eligible for free school meals at the point at which the criteria are changed (or any new claimants under the threshold who gain free school meals during the rollout of Universal Credit) should be protected against losing their meals whilst Universal Credit is fully rolled out nationally, even if their eligibility changes. In addition, any protected pupils who are still receiving free school meals once the transition is complete would continue to receive protection until the end of their current phase of education (e.g. primary, secondary).

4.3 By setting a net earnings threshold for eligibility, we will ensure that free school meals are targeted more effectively towards the families who need them most. However, moving to a system based on earnings will result in some households gaining eligibility and others falling outside the eligibility criteria. This arises because some of the legacy criteria are based on the number of hours worked, rather than on earnings. Universal Credit is based on earnings to avoid penalising those who choose to work more hours.

4.4 Under our proposed threshold, a number of low-income households who are not currently entitled to free school meals will become newly entitled, and the vast majority (around 90%⁴) of pupils currently eligible for free school meals will continue to be eligible. However, although we are increasing the number of eligible children, some households (particularly those working fewer hours but with higher incomes) will have earnings above the new threshold, and would therefore stand to lose eligibility.

4.5 We are therefore proposing protection arrangements so that existing free school meals claimants should not lose their meals as a result of the new eligibility criteria during the Universal Credit rollout.

4.6 This protection would cover claimants on Universal Credit, including those who earn above the earnings threshold. It would also cover free school meals claimants on legacy benefits, including those who switch to Universal Credit during the rollout. We have designed the protection arrangements to be as straightforward as possible for schools and local authorities to implement. It will apply as follows:

⁴ Estimates derived from DWP's Policy Simulation Model (PSM). All figures presented relate to estimated benefit entitlement and earnings in 2021 and are consistent with the benefit rates announced at Autumn Statement 2016.

- From April 2018, all existing claimants should continue to receive free school meals whilst Universal Credit is rolled out. This will apply even if their earnings rise above the new threshold during that time.
- In addition, any child gaining free school meals eligibility after the threshold has been introduced should be protected against losing free school meals during the Universal Credit rollout period.
- No further eligibility checks would be required for protected families during this period; schools would simply leave these pupils flagged as protected pupils in their management information systems.
- Once Universal Credit is fully rolled out, any existing claimants that no longer meet the eligibility criteria at that point (because they are earning above the threshold) would continue to receive protection until the end of their current phase of education (e.g. primary, secondary).
- New claimants earning above the threshold after April 2018 would not be eligible for free school meals.

4.7 The proposed approach ensures that no child should lose their existing free school meals anywhere in England as a result of and during the transition to Universal Credit. It is designed to be easy to understand for parents, and as simple as possible in terms of delivery arrangements.

4.8 We propose to introduce similar protection for children who are eligible for the early years pupil premium. This would ensure that no child in England stops attracting the early years pupil premium (to their early years setting) during the transition to Universal Credit. Again, this would ensure that we are reaching the right group of children with our support.

4.9 Local authorities currently reconfirm a child's eligibility for the early years pupil premium in the academic year in which the child turns four. We would no longer expect this second eligibility check to happen until the end of the Universal Credit rollout.

Example: A protected household

Ali and Beth are a couple with two children (a five-year-old and a nine-year-old). Ali is currently not working and is not in receipt of any benefits. Beth works 20 hours a week at national living wage, and so their earned income is £687 a month, and they also receive £509 per month of Child Tax Credit. As they earn less than £16,190 a year, their children are eligible for free school meals on the current benefits system.

When they move on to Universal Credit in August 2018, their household earnings are £8,239 and so their household would fall above the new earnings threshold. However, because of the protections in place, their older child should keep their eligibility for free school meals until the end of year 11 and their youngest child should retain eligibility until the end of year 6.

Ali and Beth's total household income is around £24,700 once their other benefits are taken into account.

Question 2:

Do you agree with our intention to protect those pupils who would otherwise lose their entitlement to free school meals, and those children who would otherwise lose their entitlement to the early years pupil premium, under the new eligibility criteria?

5. Supporting families and local delivery

Existing support for checking households' eligibility

5.1 All local authorities have access to the Eligibility Checking System, which can be used to determine households' eligibility for free school meals and the early years pupil premium. Academies are able to access the system via local authorities. The Eligibility Checking System significantly reduces the time otherwise taken to check eligibility, and we will update this system to cater for the new eligibility criteria.

5.2 We have produced a model registration form and guidance which schools can use as part of their enrolment process to ensure they receive funding for the pupil premium. We will update this, following the outcome of this consultation.

[Free school meals and pupil premium registration form](#)

5.3 We have also produced a model agreement form for early education entitlements, and this includes a parent declaration form covering the early years pupil premium.

[Early years model agreement](#)

Additional support under the new eligibility criteria

5.4 We want to ensure that local authorities, schools and further education providers have the information they need to help families understand the changes to eligibility. We therefore propose to:

- provide schools and further education providers with guidance and a template letter to issue to parents/students; and
- provide schools, further education providers and local authorities with a comprehensive information pack about Universal Credit and how it affects eligibility for free school meals.

5.5 Alongside laying the regulatory changes, we will communicate these changes through our newsletters and online services for local authorities, schools and further education colleges. We will also use our online channels to reach parents, and we will update our model registration forms for school enrolment.

5.6 We will provide local authorities with further guidance on how frequently eligibility checks under Universal Credit should be carried out, and what evidence could be accepted to determine eligibility if providers are not using the Eligibility Checking System.

Enabling more eligible children to benefit

5.7 We want to make it as simple as possible for schools and local authorities to determine eligibility for free school meals. We know that take up for free school meals is

already high – but we want to make sure that as many eligible children as possible are claiming their free school meals.

5.8 Schools and local authorities have worked hard over recent years to encourage all eligible families to register for free school meals, ensuring that eligible children are able to receive a free, nutritious meal each day. We already provide schools with a model registration form and guidance. We will continue to look at what the most effective schools do, and highlight and disseminate best practice from these schools and local authorities for other schools to use.

Equality analysis

5.9 The Department for Education published a Public Sector Equalities Analysis document on its consultation platform alongside this consultation document.

Question 3:

Do you feel that the proposals in this consultation may adversely affect any children who share one or more of the relevant protected characteristics outlined in the Equality Act 2010?

Financial support for schools

5.10 As free school meals eligibility increases, schools will be required to provide a greater number of free school meals. This increase will be reflected in the data that local authorities use to determine funding allocations. However, we recognise that for some schools this increase may be difficult to manage in the short term because of the lagged nature of the schools funding system. We will put financial support in place to protect schools in this position.

5.11 Eligibility for free school meals may also bring access to other benefits for the child. For example, local authorities may provide uniform grants or free access to music lessons based on free school meals eligibility. Our proposals for free school meals eligibility under Universal Credit may also affect the number of children who are eligible for free home-to-school transport.

Measuring the performance of disadvantaged pupils

5.12 Schools are held to account for how their disadvantaged pupils perform in comparison to all pupils. In our national statistical releases and in the school performance tables, we currently publish breakdowns of each of the headline performance measures by disadvantage.

5.13 Free school meals is one of the key factors in the definition of disadvantage used in these measures. Our new eligibility criteria will alter the make-up of the free school meals cohort, and consequently affect the cohort included in the disadvantage metrics to some degree. The headline performance measures, such as Progress 8, will be unaffected. However, the breakdowns of data by disadvantage will be affected in two ways:

- there will be some discontinuity in the time series for the disadvantage breakdowns of our performance measures between years, both nationally and at a school level; and
- in some cases it may be hard to make direct comparisons between the performance of schools within the same year, or between a school's own performance between years. This is because Universal Credit is rolling out over a number of years, resulting in the cohorts for individual schools' disadvantaged pupils changing at different points across this period.

5.14 We are committed to continuing to publish data to support understanding of how schools are performing with their disadvantaged pupils both nationally and at school level, as these measures are a vital part of ensuring schools are able to drive social mobility. As a minimum, we will therefore issue clear caveats on the use of this data during the rollout period and up until the end of the protected status period of the current free school meals cohort, particularly at school level. We will also ensure that those using this data are aware of what can and cannot be done with the data and are encouraged to look at a range of other information alongside the disadvantage measure.

5.15 As part of this consultation we would welcome views on how we best present and explain the disadvantage measures to help schools, and those who work with schools, to use and interpret this data during the rollout of Universal Credit. We would also welcome views on the metrics we publish for the measurement of disadvantaged pupils' performance.

Question 4:

Do you have any views on the proposed management of the changes to the disadvantage measures or on the metrics we publish for the measurement of disadvantaged pupils' performance?

6. Responding to this consultation

Who is this consultation for?

We are particularly interested in the views of:

- parents and carers
- schools, school caterers and the school workforce
- further education providers
- local authorities/councils
- early years providers

Issue date

The consultation was issued on 16 November 2017.

Enquiries

If your enquiry is related to the policy content of the consultation, please contact:

Freeschoolmeals.MAILBOX@education.gov.uk

If your enquiry is related to the DfE e-consultation website or the consultation process in general, please contact the DfE Ministerial and Public Communications Division by email: Coordinator.CONULTATIONS@education.gov.uk; by telephone: 0370 000 2288; or via: <https://www.gov.uk/contact-dfe>

Additional copies: Additional copies are available electronically and can be downloaded from <https://consult.education.gov.uk/>

Respond online: To help us analyse the responses please use the online system wherever possible. Visit <https://consult.education.gov.uk/> to submit your response.

Other ways to respond: If for exceptional reasons you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a Word document version of the form and return it by email or post.

- By email: Freeschoolmeals.MAILBOX@education.gov.uk
- By post: Healthy Pupils Unit, Department for Education, Level 1, Bishopsgate House, Feethams, Darlington, DL1 5QE

Deadline: The consultation closes on 11 January 2018.

Our response: The results of the consultation and the Department's response will be published on www.gov.uk

Annex A: Glossary of Terms

Universal Credit

Universal Credit is a new single system of means-tested support for working-age people who are in or out of work. Support for housing costs, children and childcare costs are integrated and it provides additions for disabled people and carers. As a result, some existing means-tested benefits will no longer exist, including income-based Jobseeker's Allowance, income-related Employment and Support Allowance, Income Support, tax credits and Housing Benefit. More information about Universal Credit is available from the Department for Work and Pension website at: www.gov.uk

Earnings threshold for households receiving Universal Credit

A maximum monthly net earned income level for households in receipt of Universal Credit that qualifies an individual or a family to receive additional support. This means that where household earnings from employment or self-employment (as assessed by the Department for Work and Pensions) is at or below the respective thresholds proposed in this consultation they will be entitled to free school meals (and the early years pupil premium). Where the family's earnings from employment or self-employment exceed these respective thresholds they will not be entitled to free school meals (or the early years pupil premium).

Entitlement

An entitlement is a guarantee of access to support for those who meet the qualifying criteria as provided by legislation for a given programme.

Eligibility

If applicants meet the criteria for free school meals entitlement and apply for free school meals, they are deemed to be eligible to receive free school meals under section 512ZB (2) of the Education Act 1996.

Eligibility for the early years pupil premium is set out in the Schools and Early Years Finance Regulations 2017, made under section 47ZA of the School Standards and Framework Act 1998.

Eligibility Checking System

The Eligibility Checking System is the online service local authorities use to check eligibility for free school meals and the early years pupil premium. This service was formerly known as the Hub and was set up by the Department for Education. We use the National Insurance number, date of birth and the first three letters of the surname of the person making the claim to check for eligibility.

Net earned income

Earnings from employment or self-employment after deductions for taxes. The two common deductions are Income Tax and National Insurance. Examples of income that is not earned income are interest, dividends and benefit income.

Passported benefit

People who are currently entitled to means-tested benefits or tax credits can be eligible for a range of other support known as passported benefits. Examples include free school meals, free prescriptions and free dental treatment.

Working Tax Credit

A single person working 16 hours per week or more or a couple working 24 hours a week or more are currently entitled to receive Working Tax Credit, and are therefore not entitled to free school meals.



Department
for Education

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