

Local Government Association response to the DfE consultation: Eligibility for free school meals and the early years pupil premium under Universal Credit

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About the Local Government Association (LGA)

The Local Government Association (LGA) is the national voice of local government. We work with councils to support, promote and improve local government.

We are a politically-led, cross party organisation which works on behalf of councils to ensure local government has a strong, credible voice with national government. We aim to influence and set the political agenda on the issues that matter to councils so they are able to deliver local solutions to national problems.

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Consultation response

The LGA welcomes the opportunity to respond to this [consultation](#).

We respond to the **four questions asked in the consultation document**.

We also provide some **additional questions and comments** which are not covered by the four questions, and which we believe will be important to councils', schools' and early years providers' responsibilities, funding and support for low income households.

We are grateful for the useful and informative telephone discussion that we had with DfE colleagues on 9th January. We would like to take this opportunity to confirm proposals made in that conversation for DfE and DWP colleagues to brief the LGA in more detail about the methodology and implementation of the new eligibility criteria.

Responses to the DfE's consultation questions

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?

In principle, yes. But as set out below we would like to understand fully the likely impact on both families and local funding.

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?*

In principle, yes. We do think this is complex given the staggered and drawn-

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out nature of UC full service roll-out and managed migration. We would want to ensure that this didn't have a distortionary impact on EYPP funding across different areas.

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?*

Not within the parameters of what Free School Meals and EYPP are seeking to achieve.

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?*

We agree that this is a challenging and unavoidable consequence of reviewing the eligibility criteria. It is vital that the caveats are communicated effectively. It is also important that DfE works with our sector throughout the transition to draw on our understanding and concerns in relation to the needs and performance of more disadvantaged children.

Further queries and concerns which we hope to address in further discussions and joint working with DfE and DWP

We would like confirmation of how DfE and DWP will be consulting and working with councils, including both the practicalities of checking and implementation, funding, and wider support for children in low income families.

It is important for both the way we design integrated services, and the advice and support we provide to families to support social mobility that we understand both the modelling and the evidence base for the Government's approach. This enables us to both advise on the approach and work more effectively towards shared outcomes. The LGA would like more detail on the DWP modelling referred to in the consultation document, and how, for example, the Department arrived at the 50,000 figure for net beneficiaries. We would also like to understand how the Department plans to update the earnings threshold: the proposal to do this in line with NLW sounds sensible; we would like to understand the detail.

We would like to understand how the Department intends to apply the annual earnings cap. For example, what time period(s) you will use, whether there will be grace periods, and how you intend to manage fluctuating earnings. We also need clarity on how this will interact with other eligibility / conditionality within Universal Credit and the wider welfare system.

The LGA understands the legal and financial constraints on automatic enrolment for FSM; we do think this can and should be on the agenda for a truly fair, efficient and effective system in the long term, but we understand that it is not a current priority for Government. We are concerned, however, that the passporting of EYPP from FSM as currently proposed is unnecessarily cumbersome, and results in the potential loss of EYPP funding. For Early Years settings, and Reception to Year 2 children (who receive universal free school meals) we are asking families to confirm what is already known from their HMRC data and their UC claim, without any direct benefit to them. We would like to understand why the existing data couldn't be used directly as a more fair and efficient means of allocating EYPP.

Expanded entitlement to local benefits that in turn passport from FSM must be fully funded. The document notes that entitlement to home-to-school transport, for

example, may be expanded but makes no mention of how this will be resourced. This is a service that already faces very significant financial pressures. We would like confirmation of how any additional funding be assessed and provided in line with the New Burdens doctrine.

We would like the Department to share and discuss with the LGA how the changes in assessing eligibility for FSM may impact on the amounts and distribution of EYPP funding. It seems plausible that both the increased numbers of eligible children and the move to an income-based assessment have the potential to affect this.