
Policy Heading:

Purpose:	To ensure that the College correctly administrates the Government Bursary and Free Meals in Further Education scheme.
Procedures:	
Accountabilities:	Finance Manager, Assistant Principal – Corporate Services, Assistant Principal – Education, IAGT Manager
Target audience:	IAGT, Finance, Learners, Parent & Carers
Content linkage:	
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Introduction

This policy gives a summary of the financial support young people may be able to get to help them take part in education and training. Individuals are encouraged to read the scheme guides referred to below for full detail about eligibility and processes.

This policy is written in the context of the 2010 Equality Act and the College's charitable objects approved the Charity Commission:

For the public benefit to advance the education of and promote the relief of persons with disabilities by any and every means ...

The 16 to 19 Bursary Fund provides financial support to help learners overcome specific barriers to participation so they can remain in education.

There are 2 types of 16 to 19 bursaries:

1. bursaries for defined vulnerable groups
2. discretionary bursaries which the College award using policies they set, in line with national funding rules

Both types of bursary funding are designed to help learners overcome the individual financial barriers to participation that they face, and the College must ensure the funds go to those who genuinely need them.

In addition, for those individuals who meet the criteria, further support maybe available via 'free meals in further education'.

Eligibility criteria: all bursaries

Learners must meet the age and residency criteria which follow to be eligible for help from the bursary fund.

- **Age**

A learner must be aged 16 or over but under 19 on 31 August 2022 to be eligible for help from the bursary fund in the 2022 to 2023 academic year.

Learner aged 19 or over are only eligible to receive a discretionary bursary if they are continuing on a study programme they began aged 16 to 18 (19+ continuers) or have an Education, Health and Care Plan (EHCP).

These 2 groups of aged 19+ learners can receive a discretionary bursary while they continue to attend education (in the case of a 19+ continuer, this must be the same programme they started before they turned 19), as long as their eligibility continues and the College considers they need the support to continue their participation.

Learners aged 19 or over are not eligible for bursaries for vulnerable groups.

Bursary funds should not be awarded to learners enrolled at another the College, where that the College also receives public funding for the learner.

- **Eligible education provision**

Learners must be participating in provision that is subject to inspection by a public body that assures quality (for example Ofsted). The provision must also fall into one of these groups:

- funded directly by the EFSA, or by us via a local authority
- funded or co-financed by the European Social Fund
- otherwise publicly funded and lead to a qualification (up to and including level 3) accredited by Ofqual or on our list of qualifications approved for funding 14 to 19
- a 16 to 19 traineeship programme

Learners on apprenticeship programmes, or any waged training, are employed, rather than in education. They are not eligible for the 16 to 19 Bursary Fund.

Non-employed Learners aged 16 to 19 who are participating in a Prince's Trust Team Programme are eligible to receive the bursary in the same way as any other learner participating in an eligible, publicly funded course.

The EFSA do not expect learners on distance learning provision to need help from the bursary fund because they do not have the kinds of costs the bursary is intended to cover (travel, equipment, and uniforms, for example). In the rare instances where the College identifies such a learner does require financial help, they should provide support in-kind. An example could be providing a temporary travel pass for the learner to attend exams.

- **Residency**

Learners must meet the residency criteria in ESFA funding regulations for post-16 provision. This document also specifies the evidence the College must see and retain for audit to confirm eligibility for post-16 funding (and therefore meet the residency criteria for bursary fund eligibility).

- **Accompanied asylum seeking children (under 18 with an adult relative or partner)**

Generally, asylum seekers are not entitled to public funds. Accompanied asylum seeking children (those under 18 with an adult relative or partner) and those aged 18 and above are entitled to education, but not to public funds. If they are destitute, they can apply to the Home Office (HO) for suitable housing and cash for essentials, but they are not eligible for other income.

As long as an asylum seeker has not had their application for asylum refused, the College can provide in-kind learner support such as books, equipment, or a travel pass. Under no circumstances should the College give cash to any asylum seeker unless they are an unaccompanied asylum-seeking child (UASC).

- **Unaccompanied asylum-seeking children**

Unaccompanied asylum-seeking children do not receive cash support from the Home Office and are the responsibility of the local authority. They are treated as looked after children and are eligible for a bursary for vulnerable groups ('in care' group), where they have a financial need.

When these young people reach legal adulthood at age 18, the College must consider their immigration status. If the asylum claim is decided in their favour, the local authority must provide them with the same support and services as they do care leavers. As such, they continue to be eligible for a bursary as a learner from a vulnerable group until they reach the upper age limit.

Where an asylum claim is not supported, the individual may not be able to stay legally in the UK. When asylum claims have been fully heard/the appeals process exhausted, an individual has no entitlement to public funds (with a few exceptions where the withdrawal of support would be seen as a breach of human rights).

Eligibility criteria: bursaries for young people in defined vulnerable groups

Learners who meet the criteria, and who have a financial need, can apply for a bursary for vulnerable groups. The defined groups reflect that these learners are unlikely to be receiving financial assistance from parents or carers, so may need a greater level of support to enable them to continue to participate. Learners should be awarded the amount of support they need to participate based on an assessment of the types of costs they have and **must not** be automatically awarded £1,200. The College must ensure learners are eligible for the bursary for defined vulnerable groups in each year they require support.

The defined vulnerable groups are learners who are:

- in care
- care leavers
- receiving Income Support (IS), or Universal Credit (UC) because they are financially supporting themselves or financially supporting themselves and someone who is dependent on them and living with them, such as a child or partner

-
- receiving Disability Living Allowance (DLA) or Personal Independence Payments (PIP) in their own right as well as Employment and Support Allowance (ESA) or UC in their own right

UC has now fully rolled out and so young people aged 16 to 18 will no longer be in receipt of the other benefits listed above. However, learners aged 19 to 25 and funded from the 16 to 19 budget (19+ continuers and those with an EHCP) may still be in receipt of those other legacy benefits.

The bursary for vulnerable groups can pay **up to** £1,200 per year to a learner participating on a study programme that lasts for 30 weeks or more if they need that amount of support. Learners on study programmes of less than 30 weeks should be paid a pro-rata amount, as appropriate based on an assessment of their actual needs.

The College must also consider the number of hours involved in learner's study programme when deciding if a pro-rata payment is more appropriate. A learner studying for around 16 hours a week is likely to have greater costs than a learner studying for 4 hours a week, for example.

Learners should only receive the amount they actually need to participate, and the College **must not** automatically award learners £1,200 if they do not need the full amount.

The College may decide that although a young person may be eligible for a bursary because they are in one or more of the defined vulnerable groups, they do not have any actual financial need. This might be because their financial needs are already met and/or because they have no relevant costs. The College can refuse a learner's application on this basis.

Equally, the College can pay a bursary to a vulnerable group learner of more than £1,200 if they assess they need extra help to remain in education. Any payments over £1,200 must be paid from their discretionary bursary allocation or from their own funds. If paid from discretionary bursary, all the eligibility criteria and usual assessment processes must be met and followed.

- **Defining in care and care leavers**

The 16 to 19 Bursary Fund defines 'in care' as children looked after by a local authority on a voluntary basis (section 20 of the Children Act 1989) or under a care order (section 31 of the Children Act 1989). Section 22 of the Children Act 1989 defines the term 'looked after child'.

A 'care leaver' is defined as:

- a young person aged 16 and 17 who was previously looked after for a period of 13 weeks consecutively (or periods amounting to 13 weeks), which began after the age of 14 and ended after the age of 16; or
- a young person aged 18 or above who was looked after prior to becoming 18 for a period of 13 weeks consecutively (or periods amounting to 13 weeks), which began after the age of 14 and ended after the age of 16

- **Foster care, including privately arranged foster care**

A young person placed with a foster carer by the local authority, including where the foster carer is on the books of an independent fostering agency, is classed as looked after. They meet the criteria for the 'in care' vulnerable group where they need financial support to participate.

A child who is privately fostered (in other words, a private arrangement is made between the parent and the person who will care for the child) is not classed as a looked after child and is not eligible for the bursary for vulnerable groups.

In some instances, a young person may have been in the care of the local authority and the care transferred to another party via a permanent form of fostering such as a Special Guardianship Order. In these circumstances, the young person is defined as having left care so is now a care leaver. They must meet the definition of a 'care leaver' in full (so, the period of weeks and age range set out above). If they do, they are eligible for help from the bursary for vulnerable groups, where they need financial support to participate.

- **Universal Credit**

UC has replaced IS and ESA as well as other benefits. The College will increasingly see learners claiming bursaries for defined vulnerable groups based on receiving UC.

UC award notifications do not include any information on the benefits they replace. For this reason, the description of the bursaries for vulnerable group category that relates to receipt of UC or IS is that a learner must be receiving UC in their own right because they are financially supporting themselves and anyone who is dependent on them and living with them, such as a child or partner.

The DfE is keeping the situation surrounding the legacy benefits (above) under review, to ensure the descriptions of the defined vulnerable groups reflect the benefits situation.

Bursary funds awarded to a learner should not form part of the UC assessment undertaken by the Department for Work and Pensions (DWP). How DWP treat any funding for education depends on whether the learner is undertaking advanced full-time education. It is unlikely that 16 to 18 year olds will be in

advanced full-time education as they are generally on study programmes at level 3 or below. Since full role out of UC, any current and future 16 to 18 year old can only claim UC, they can no longer claim IS or income related ESA.

Under UC, any educational award which is paid under a scheme to enable persons under age 21 to complete a course of non-advanced education (which will clearly include the 16 to 19 Bursary) does not fall to be treated as grant income for UC purposes – as provided under reg 68(7) of the UC Regulations 2013.

The EFSA encourage the College to provide support from the bursary fund by making payments in kind where possible. The College must not make bursary fund payments as regular payments for living costs. This is out of scope of the bursary fund and any such payments would be subject to the Social Security Amendment (Learners and Income-related Benefits) Regulations 2000.

- **Evidence of eligibility**

The College must obtain proof that learners meet the criteria for the bursary for vulnerable groups in full. In other words, that they are in receipt of the specified benefits in their own name or that they fully meet the definitions for in care/care leavers. The College will ask for evidence from each learner and retain copies for audit purposes.

For example:

- for learners who are in care or a care leaver, written confirmation of their current or previous looked-after status from the relevant local authority – this is the local authority that looks after them or provides their leaving care services. The evidence could be a letter or an email but must be clearly from the local authority
- for learners in receipt of UC or IS, a copy of their UC or IS award notice. This must clearly state that the claim is in the learner's name/confirm they are entitled to the benefits in their own right. The evidence must not state any conditions that prevent them from participating in further education or training. For learners in receipt of UC, the College must also see a document such as a tenancy agreement in the learner's name, a child benefit receipt, children's birth certificates, utility bills and so on
- for learners receiving UC/ESA and DLA and PIP, a copy of their UC claim from DWP. Evidence of receipt of DLA or PIP must also be provided

UC claimants should be able to print off details of their award from their online account or provide a screenshot to the the College.

Learners can also contact their UC Work Coach (or relevant Benefit Office if they are receiving getting IS or ESA) and ask them for help in providing evidence of receiving benefits.

- **Pro-rata bursaries for vulnerable groups**

Learners who have a financial need who meet the criteria for a bursary for vulnerable groups may be eligible for a bursary of up to £1,200 (with the actual amount dependant on the specific financial needs they have) if they are on a study programme which lasts for 30 weeks or more in the academic year. Learners who meet the criteria and who are on study programmes lasting for less than 30 weeks should be given a bursary on a pro-rata basis, as appropriate, with the actual amount dependent on the assessment of their specific financial needs.

For example:

- a learner is on a 30-week programme. If the the College assesses they have financial needs that require a full £1,200, the bursary may be $£1,200 \div 30 = £40$ per week
- if the same learner was on a 10-week programme, the pro-rata bursary may be $£40 \times 10 \text{ weeks} = £400$

The College should also consider the number of hours involved in a learner's study programme when deciding if a pro-rata payment is more appropriate. A learner studying for around 16 hours a week is likely to have greater costs than a learner studying for 4 hours a week, for example.

- **Young people eligible for a bursary for vulnerable groups who don't require bursary funding**

In some cases, a young person might meet the eligibility criteria for a bursary for vulnerable groups, but their financial needs are already met, they have no relevant costs or they do not need the maximum award.

For example a learner:

- attending specialist residential provision that covers their educational costs in full
- taking a distance learning programme who has no financial barriers to participation (for example, they don't have any travel costs or meal costs)

-
- in the care of the local authority whose educational costs are covered in full by the local authority
 - who is financially supported by their partner

In these circumstances, the College can refuse the learner's application. The College will explain to the learner and/or the learner's parents or support worker the aim of bursary funding and why they are not awarding any bursary.

If a learner, or the learner's parents or support worker, still wants to claim a bursary for vulnerable groups, the College will consider the particular circumstances in each case. They should assess whether no bursary should be awarded (because the learner has no financial needs) or to award a reduced amount (because the financial help needed is limited).

Eligibility criteria: discretionary bursaries

The College can make discretionary bursary awards to help learners with the cost of travel, to buy essential books, equipment, or specialist clothing (such as protective overalls, for example). These are items the learner would otherwise need to pay for to participate.

The bursary fund is not intended to provide learning support – services that the College gives to learners, for example, counselling or mentoring – to support extra-curricular activities where these are not essential to the learners' study programme or provide living costs support.

The College eligibility criteria for the discretionary bursary based on:

- eligibility based on household income,
- actual financial needs such as the distance the learner needs to travel to the the College
- requirements of their study programme.

The College must not make blanket or flat rate/fixed rate payments:

- to all learners
- to learners in particular income bands
- to learners whose families are in receipt of particular benefits

without considering the actual needs of each learner. For example, although many learners who had previously benefitted from a free meal in further education may have financial needs, these will vary depending on personal circumstances so an individual assessment of actual need should be made.

The College will manage the number and size of discretionary bursary awards to keep within their budget.

The College may decide to retain a small emergency fund from their allocation to support learners who face exceptional circumstances during the year due to a change in their situation – if it impacts on their ability to participate in education. Evidence of the learner’s eligibility, the individual assessment and the learner’s actual participation costs must be held for audit purposes as for any other bursary fund application/award and all bursary expenditure must be in line with the funding rules in this guide. The College may also choose to top up the bursary with their own funds.

There is no set limit for the amount of discretionary bursary that can be awarded to learners. The College can award discretionary bursaries equal to or higher than the bursary for vulnerable groups maximum as long as they have clearly identified an individual learner has actual costs that require this level of funding to participate. The rationale must be included as part of their auditable records.

- **Using household income and establishing individual learner need**

The College must ensure their bursary policy ensures funding reaches those learners who are most in need of financial support. This means the College must use household income in some way to help establish which learners are eligible before confirming the amount of support a learner may need. The College can decide to use household income in conjunction with other factors, such as distance to travel from the College and the number of dependent children in the household, as well as the actual participation needs the learner has.

The College asks for the 3 most recent monthly award statements, i.e. UC credit statements, 3 month payslips, P60. The take-home pay figure in addition to the amount of UC after all deductions will give a total monthly income. Using 3 months statements will act as a guide to the household income for a quarter of a year. The College could then estimate assumed income for a full year based on this.

To be considered eligible for the bursary payments at the College, the total household income (employment and government assistance income included) must be below £30,000. Eligibility does not guarantee an award.

- **Supporting industry placements**

On occasions the College engages in industry placement delivery are also encouraged to ensure their bursary policies can respond to the needs of learners undertaking industry placements. A few learners may find themselves facing financial difficulties due to incurring extra participation costs, for example,

because they need to pay for additional travel to their placement. These learners may only need support for a short period of time.

- **Transport Costs**

The College should remember that whilst the bursary can be used for transport costs, it does not replace the statutory transport duty local authorities have. Each local authority must publish an annual transport statement that sets out the arrangements they will make to facilitate participation in education or training for learners aged 16 to 19. The College will consider the relevant local authority's transport statement and local offers when setting their bursary fund policy.

Band A

Household income less than £17,000 and/or learners in receipt of free meal in further education.

- Support with bus travel if you live over 4 miles away from college.
- Food – Additional £2.59 per day towards the cost of a 'free Meal in Further Education' at the College.
- The College will pay cost of equipment/clothing associated with vocational courses.
- Full cost of any compulsory course trips.
- Support with Apprenticeship opportunities.
- Contribution towards an additional trip and support towards the cost of purchasing additional educational items such as books, devices, data.
- Ad-hoc as identified

Band B

Household income less than £30,000

- Full cost of any compulsory course trips.
- College will pay the cost of stationery throughout the year.
- Contribution towards an additional trip and support towards the cost of

	<p>purchasing additional educational items such as the cost of equipment/clothing associated with vocational courses, , devices, data.</p> <ul style="list-style-type: none">• Support with Apprenticeship opportunities.• Ad-hoc as identified
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The College reserves the right to withhold the bursary if learners fail to meet expectations for attendance and behaviour. Receipt of the fund will be conditional on a satisfactory progress report each term, in particular:

- Attendance reaches the agreed target level which will be set by individual circumstances
- Progress against targets set

What the bursary fund cannot be used for

The bursary fund is not intended to:

- provide learning support – services that the College give to learners – for example, counselling, mentoring or extra tutoring
- support extra-curricular activities where these are not essential to the learners' study programme
- support general household incomes

The College are not permitted to use the bursary fund in any way that would give them a competitive advantage over other Colleges. Examples include:

- fees for access to facilities in the College
- block subsidy of the canteen
- block subsidy of transport, or support for travel for all learners regardless of family incomes
- block provision of equipment, material or books
- making bonus payments to reward attendance or achievement
- payments to support learners' general living costs

The College must not use the bursary as a way of incentivising attendance or as a marketing tool to encourage learners to choose their College over another.

If the College was to use non-bursary funds to provide free travel for all their learners, they must make clear that this is an offer from the College, rather than being supported via the bursary fund.

Paying bursary funding to eligible learners

The College is encouraged to pay bursaries in-kind rather than cash as far as possible. This helps ensure that the bursary is spent for the reasons it was awarded. In-kind payments can include travel passes, vouchers or credits for meals, required books and required equipment.

Where the College makes in-kind payments, they should explain to the learner the value of the payments and, if appropriate, how these have been deducted from their total bursary award.

Where the College makes bursary fund payments to learner rather than providing support in-kind, it is good practice to pay the funding by BACS transfer to the learner's own bank account. A basic bank account (which learner can open at age 16) allows BACS transfers and allows the learner to withdraw money.

The College must insist that learner only spend the bursary payments they have made to them on the support that has been identified as necessary to help them participate in education. This means they must specify learners can only use the funds to pay for travel costs and/or a meal during the day, to buy equipment or any other support that has been agreed.

The College will make the value of the award and any terms/conditions clear to the learner in their award letter/confirmation document.

Receipts for expenditure and purchases made with bursary funding form part of the audit and assurance of the scheme. They confirm that funding is being used for the reasons it was awarded. For standard weekly costs like travel and food, it may not be practical to collect receipts for every transaction, so costs may be evidenced initially by receipts then paid linked to attendance. Learners could then be asked to provide receipts to the College at various points in the year (for example) which could form part of the terms/conditions set out in the award letter/confirmation document to learner.

The College should remember that the purpose of the bursary is to provide help to those who need it to participate and remain in education. Asking learners to incur expenditure and provide a receipt first before providing any funding does not reflect the policy intent which is why payment in kind rather than in cash is recommended.

The EFSA does not expect bursary payments to be paid into another person's account, except in exceptional circumstances where a learner is unable to administer their own

account. If the learner cannot manage their own funds, the College will need to consider who will manage the bursary on the learners' behalf.

Where payments are made, it is good practice to make these on a regular basis (weekly, for example) as this helps learners manage their finances. It also means that if a learner has a payment withheld due to failing to meet the conditions the College has set, they will not be left without financial support for a long period. However, the College should take these decisions based on the reasons the bursary was awarded, the learner's circumstances and local arrangements.

The College will not make large or lump sum bursary payments to learners.

Conditions for receiving bursary funding

The College will only make payments for both the bursary for vulnerable groups and the discretionary bursary conditional on the learner meeting agreed standards of attendance and behaviour.

The College will ensure that any standards set are clear, and accessible, and that learners understand them.

The College will ensure they obtain and retain evidence that a learner has seen and agreed to the conditions. This might be an agreement signed by the learner or a signed declaration that forms part of the Colleges bursary fund application form.

The College will withhold payments if a learner does not meet agreed standards, but they should always consider the individual circumstances of the learner first. Sanctioning a learner to the extent that their bursary funding had been stopped for a whole term, for example, is not recommended as it can stop learners attending and undermine the purpose of the bursary fund.

The College will consider the impact on attendance that might be caused by illness, caring responsibilities or other exceptional circumstances. This should be built into the payment conditions agreed between the learner and the College, so that both parties are aware of the potential effect on payments.

The College will stop payments where learners have been absent for a period of 4 continuous weeks or more (excluding holidays) and where learners have decided to withdraw from a study programme. The College can also take money back from learners if they have not spent it for the reasons it was awarded to them. However, the College should consider the impact of such an action on the individual learner before taking a final decision to do so.

If the College purchases books or equipment for a learner, they must specify the learner must return these at the end of their study programme so they can be used again by another learner where appropriate. So, if the College purchases equipment (a laptop would be one example) that is necessary for the College to complete their study programme, they can purchase this with bursary funds and specify the learner must return it once they have completed their study programme. If keeping equipment on campus is the best way of ensuring this happens, the College have the right to set this as a condition.

The College' responsibilities in managing complaints or appeals

Any learner, parent or carer who is unhappy with how the College has managed their application for bursary funding should follow the Colleges complaints procedure.

Impact of 16 to 19 Bursary Fund on Other DWP benefits

Receipt of bursary funding does not affect receipt of other means-tested benefits paid to families, such as IS, Jobseeker's Allowance, Child Benefit, Working Tax Credit, Housing Benefit or, generally, UC (the UC section of this document contains more detail about this benefit).

If a learner is in receipt of DLA (or PIP) and ESA, parents can no longer receive certain household/family benefits for that child, such as child benefit.

The College must not make bursary fund payments as payments for living costs, though we recognise that people with disabilities may have to pay higher costs (e.g. charging an electric wheelchair) which could directly impact on their attendance and participation and therefore would be eligible for consideration. Support with basic living costs is out of scope of the bursary fund and any such payments would be subject to the Social Security Amendment (Learners and Income-related Benefits) Regulations 2000.

Other useful information

This section provides information on specific groups of learners to help inform the College's eligibility decisions.

- **Young offenders**

Young offenders can apply for a bursary if they:

- are serving a non-custodial sentence
- have been released early from a custodial sentence (except on temporary license)
- have been remanded to a non-secure the College

Young offenders cannot apply for a bursary if they:

- are serving a custodial sentence
- have been released from a custodial sentence on temporary license
- have been remanded to a secure the College

The College should provide in-kind support to young offenders rather than cash wherever possible.

- **Residents of Scotland**

If a learner lives in Scotland and travels to study at an English the College, they should approach their home local authority in Scotland to make an application

for Scottish Education Maintenance Allowances (EMA). These learners are not eligible to apply for support from the 16 to 19 Bursary Fund.

If a learner lives in England and travels to study at a Scottish the College, they should approach their home local authority in England to make an application for a discretionary or vulnerable group bursary. These learners are not eligible for Scottish EMA.

- **Residents of Wales**

If a learner lives in Wales and travels to study at an English the College, they should approach their home local authority to make an application for Welsh EMA.

Learners may also apply to their English the College for help from the 16 to 19 Bursary Fund discretionary bursary but are not eligible for a bursary for vulnerable groups. The College should consider any support the learner is receiving from Wales before making any bursary award.

All learners living in England and travelling to Wales to study who meet the criteria for a bursary for vulnerable groups are eligible to apply for one if they have a financial need. They should approach their home local authority in England to make an application.

Free meals in further education

The 1996 Education Act requires maintained schools and academy sixth forms to provide free meals to disadvantaged learners who are aged over 16. In the 2014 to 2015 academic year the requirement was extended to disadvantaged learners following further education (FE) courses at the range of FE funded the Colleges. Funding agreements place a legal duty on the Colleges to comply with the requirement.

The Colleges must make a free meal available for all eligible learners for each day the learner attends their study programme, where this is appropriate.

The Colleges receive funding at a rate equivalent to £2.41 per learner per meal.

Learners aged over 19 who are continuing on the same study programme (19+ continuers) they started before they turned 19 or who have an Education Health and Care Plan (EHCP) are eligible for a free meal where they meet the criteria.

Where the Colleges receive funding for both free meals in further education and 16 to 19 Bursary Fund discretionary bursary, they may use the funding as a single allocation.

Transitional protections continue to apply. The protection means that all learners already receiving free meals on or after 1 April 2018 continue to be eligible to receive free

meals whilst Universal Credit (UC) continues to roll out. This also applies to learners who were eligible for free school meals (FSM) prior to moving into further education provision.

Eligibility for free meals

Learners must be enrolled in FE provision funded via ESFA to be eligible for a free meal. Eligible the Colleges are:

- general further education colleges, including specialist colleges
- sixth-form colleges
- independent learning providers
- higher education the Colleges (HEIs) with ESFA 16 to 19 funding
- specialist post-16 the Colleges (SPIs)
- local authorities (LAs) and FE the Colleges directly funded for 16 to 19
- 16 to 18 traineeship providers
- European Social Fund (ESF) only the Colleges
- 16 to 19 only academies and free schools
- 16 to 19 only maintained schools

Learner eligibility

- **Age**

A learner must be aged 16 or over but under 19 on 31 August 2022 to be eligible to receive a free meal. Learners aged 19 or over are only eligible to receive a free meal if they are continuing on a study programme they began aged 16 to 18 ('19+ continuers') or have an EHCP.

These 2 groups of aged 19 plus learners can receive a free meal while they continue to attend education (in the case of a 19+ continuer, this must be the same programme they started before they turned 19), as long as their eligibility continues.

The following groups of learners are not eligible for free meals in further education:

- learners aged between 14 and 16 (these learners are already covered by FSM provision)
 - learners aged 19 or over at the start of their study programme, unless they have an EHCP or are a 19+ continuer
 - apprentices, including those with an EHCP
- **Eligible benefits**

Free meals are targeted at disadvantaged learners. Free meals in further education defines disadvantage as learners being in receipt of, or having parents who are in receipt of, one or more of the following benefits:

- Income Support
- income-based Jobseekers Allowance
- income-related Employment and Support Allowance (ESA)
- support under part VI of the Immigration and Asylum Act 1999
- the guarantee element of State Pension Credit
- Child Tax Credit (provided they are not entitled to Working Tax Credit and have an annual gross income of no more than £16,190, as assessed by HM Revenue and Customs (HMRC))
- Working Tax Credit run-on – paid for 4 weeks after someone stops qualifying for Working Tax Credit
- UC with net earnings not exceeding the equivalent of £7,400 for each year (after tax and not including any benefits they get)

A learner is only eligible to receive a free meal when they, or a responsible adult on their behalf, have made a successful application to the College where they are enrolled.

It is important that the Colleges ensure they understand that a parent or learner must be in receipt of one of the qualifying benefits set out above to be eligible.

Working Tax Credit is not a qualifying benefit for free meals, and a parent or learner in receipt of Working Tax Credits is not entitled to a free meal (this is a common question sent to ESFA). Qualifying benefits do include the Working Tax Credit run-on which is paid for 4 weeks after you stop qualifying for Working Tax Credit.

From 1 April 2018, any learner who is in receipt of, or has parents who are in receipt of, UC must have a net earned annual income of no more than £7,400 to be eligible for free meals.

Learners must also satisfy the residency criteria set out in our funding regulations guidance.

Verification of learner eligibility

The Colleges are responsible for assessing applications for free meals. All learners applying for a free meal for the first time in the 2022 to 2023 academic year must submit an application (either by the learner or by a responsible adult on their behalf) to the College where they are enrolled.

The Colleges will be aware that the Department for Education (DfE) provides an electronic Eligibility Checking System (ECS) that enables local authorities to check FSM eligibility on behalf of the Colleges.

It is important that the Colleges and local authorities understand that the legal gateway (section 110 of the Education Act 2005) that enables the department to obtain benefit information held by DWP and HRMC for checking eligibility is limited to FSM. Information from the ECS cannot currently be used to check entitlement for free meals for post-16 learners.

As part of the application, the College must ask the learner (or their parent/guardian) to provide evidence of the award of the qualifying benefits. This might be an award notice or letter from DWP or HMRC.

Universal Credit

For new applicants, the College must verify the eligibility of learners, or their parents, who are in receipt of UC, by asking for a copy of their UC award notice that includes their monthly earnings. The Colleges will need to assess the information given to obtain an accurate proxy of the individual's current earned annual income. Monthly earnings are after tax and do not include any benefits the individual receives.

The College should check eligibility using the following assessment process:

- **Threshold 1**

The learner or their parents provide a UC award statement from their most recent complete assessment period, showing that their earnings in that period do not exceed £616.67 (this is a twelfth of an equivalent annual income of £7,400). If their earnings do not exceed £616.67, they are eligible for free meals. If their earnings do exceed £616.67, the check must move on to the next step.

- **Threshold 2**

The learner or their parents provides UC award statements from their two most recent complete assessment periods, showing that their earnings in that period do not exceed £1,233.34 (this is a sixth of an equivalent annual income of £7,400). If their earnings do not exceed £1,233.34, they are eligible for free meals. If their earnings do exceed £1,233.34, the check must move on to the next step.

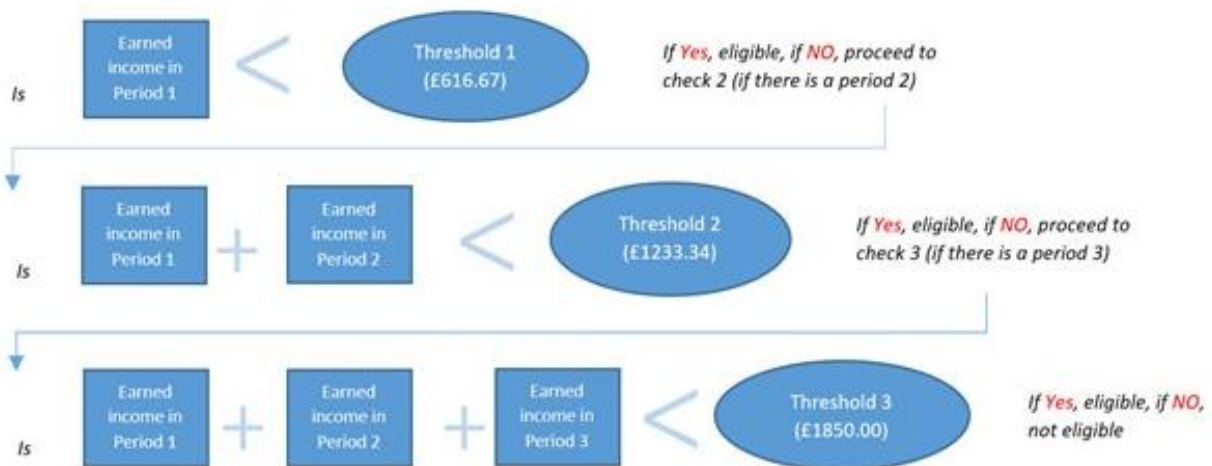
- **Threshold 3**

The learner or their parents provides UC award statements from their three most recent complete assessment periods, showing that their earnings in that period do not exceed £1,850.00 (this is a quarter of an equivalent annual income of £7,400). If their earnings do not exceed £1,850.00, they are eligible for free meals. If their earnings do exceed £1,850.00, the learner is not eligible for free meals.

A manual check will be required to determine eligibility for those learners or their parents who are self-employed and in receipt of UC. Parents will need to provide evidence that:

- they are in receipt of UC by providing their UC award letter
- they are self-employed by providing a copy of their company registration or tax return form
- their monthly net earnings do not exceed the threshold as set out in steps 1, 2 and 3. The Colleges should request that self-employed parents complete the self-declaration form and, once satisfied that they are eligible, provide the learner with a free meal

The diagram below also shows the assessment process.



Transitional protection arrangements

Eligibility criteria introduced under UC from 1 April 2018 will result in some households becoming eligible for free meals and others falling outside of the eligibility criteria. DfE has put transitional protection arrangements in place to provide certainty for families and ensure they do not experience a sudden loss of free meals.

The protection arrangements apply as follows:

- all learners already receiving free meals from 1 April 2018 will continue to receive free meals whilst UC is rolled out until March 2023 and then until the end of the course they are enrolled on at this point. This will apply even if their household earnings rise above the new threshold during that time
- any learner who becomes eligible for free meals after the threshold has been introduced will also continue to receive free meals during the UC rollout until March 2023 and then until the end of the course they are enrolled on. This will

apply even if they subsequently become ineligible during this period because their household earnings rise above the new threshold

- The Colleges do not need to carry out any further eligibility checks for these protected families during this period. They may wish to note the learners as 'protected' in their free meals auditable records.

The Colleges should seek to identify learners who are eligible to receive free meals under the transitional protection. If a learner transferring in from a school falls under the transitional protection rules, we recommend the College, where possible, obtain evidence of FSM eligibility from the previous school or local authority. If a learner is transferring in from a previous further education funded the College, we recommend the College obtains evidence from that provider where possible. The Colleges should retain appropriate evidence of eligibility for audit purposes. The department is also exploring options for providing historical FSM information to help the Colleges identify learners who are protected and should continue to receive a free meal.

Where the Colleges are unable to verify previous eligibility for free meals using the approaches above, they may wish to consider seeking evidence from the learner/their parent, for example, by requesting a copy of previous entitlement letters.

A learner who has not previously claimed free meals is only eligible to receive one when they, or a responsible adult on their behalf, have made a successful application to the the College where they are enrolled. Once UC is fully rolled out, any learners receiving free meals who no longer meet the eligibility criteria at that point (because they are earning above the threshold) will continue to receive protection until they complete their 16 to 19 funded education. 19+ continuers and learners aged 19 and over with EHCPs will continue to receive protection until the end of their current programme of study.

Learners who make a first application in the 2022 to 2023 academic year and who have household earnings above the threshold will not be eligible for free meals.

The provision of free meals to learners

The Colleges must make provision for free meals to eligible learners (those who are in receipt of the qualifying benefits and who make a successful application for free meals) for each day the learner attends their study programme, where this is appropriate.

For example, if a learner attends for 5 days a week, 9am to 3pm, for part of their course, the College should provide 5 free meals. If a learner has 2 days a week when they only attend from 9am to 10am, then the College does not have to provide meals on those days.

The College are responsible for encouraging and supporting learners in making healthy food choices. Many caterers will be able to advise on suitable healthy options to offer learners. The Colleges should also offer hot food options where practical.

The College should provide a meal free of charge to eligible learners or fund the free meal via an electronic credit or voucher that can be redeemed on-site or off-site where the Colleges have arrangements with nearby food outlets. Electronic credits and vouchers must be worth a minimum value of £2.41.

The majority of learners will require a free meal at lunchtime to fit in with usual study and attendance patterns. However, the Colleges may exceptionally choose to make provision for a free meal at an alternative time, for example, breakfast, depending on the study pattern of individual learners.

The Colleges must make free meals provision for learners on days when they are off-site as part of their study programme, for instance attending a work placement, work experience or industry placement. Wherever possible, the Colleges should provide the learner with a voucher they can use at nearby food outlets or arrange with the work experience or placement provider to provide a meal.

We expect that a meal, voucher, or credit will be provided to eligible learners. However, this may not be practical in some situations and the Colleges are permitted to make cash payments to learners in the following exceptional circumstances:

Learners who are off-site on work placement or work experience as part of their study programme whose host organisation is unable or unwilling to provide a meal, and who have no access to a suitable food outlet that will accept a voucher. Examples include work placements in rural areas or on industrial sites.

Catering for learners with special dietary requirements

The Colleges are best placed to make decisions in the case of learners who have special dietary requirements, considering local circumstances. The Colleges are expected to make reasonable adjustments for learners with these requirements.

Raising awareness of free meals

The Colleges are responsible for ensuring learners are aware of the eligibility criteria for free meals. They should also encourage learners who may meet the criteria to make an application for a free meal.

The Colleges should clearly set out their free meal provision for learners and parents. This might be by publishing a statement on their website, promoting, and providing

information about free meals at induction and enrolment days, sending letters home to parents, for example.

Learners do better in their studies when they have access to proper, regular, nutritional meals. We encourage the Colleges to support learners to make healthy food choices by raising awareness of relevant information and guidance.

Audit and assurance

Free meals in further education is subject to normal assurance arrangements for 16 to 19 education and training.

The Colleges must maintain accurate and up to date records that evidence which learners receive free meals funding; confirm learner eligibility for funding, including where transitional protections apply, and demonstrate appropriate use of funds, including the rationale for any enhancement to the £2.41 free meals rate. They must also be able to confirm, during any audit, the amount of any unspent funds that have been carried forward to the current academic year.

The Colleges are responsible for deciding what evidence they accept for free meals and how recent it is. However, they must ensure they can evidence that only learners who meet the eligibility criteria for free meals in each academic year receive them. Where the Colleges have used their discretion to make cash payments that are outside the specified criteria set out in this document, they must ensure these are recorded.
