



**BRIEFING PAPER**

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# School meals and nutritional standards (England)

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## One page briefing

### **Nutritional standards**

Nutritional standards are in place for school meals in England, aimed at ensuring that the food provided to pupils in school is nutritious and of high quality, and at promoting good health and eating behaviour amongst pupils. Following an independent review of school food conducted by the founders of Leon restaurants in 2012-13, revised school food standards were produced and have been in force since January 2015.

The standards apply to:

- all local authority maintained schools
- pupil referral units
- academies that opened prior to 2010
- academies and free schools with agreed funding from June 2014
- non-maintained special schools

Academies that opened from 2010 and agreed funding prior to June 2014 are not bound by the standards, although the previous Government stated that almost all of these schools would adhere to the standards voluntarily.

Funding for school meals is provided as part of the Dedicated Schools Grant.

### **Free school meals**

Free school meals are provided for children whose parents receive certain benefits (or who are on those benefits themselves):

- Income Support
- Income-based Jobseekers Allowance
- Income-related Employment and Support Allowance
- Support under Part VI of the *Immigration and Asylum Act 1999*
- The guaranteed element of State 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 4 weeks after a person stops qualifying for Working Tax Credit
- Universal Credit - with household income of less than £7,400 a year (after tax and not including any benefits) from 1 April 2018, with transitional protections for existing claimants

Since September 2014, free school meals have been provided for all children in Reception, Year 1 and Year 2. Concerns have been raised that, as schools receive Pupil Premium funding for pupils registered for free school meals, this additional provision may reduce schools' funding if parents do not register their children for meals they receive as a matter of course.

Free school meals may also be available to pre-school children and those in school sixth forms. Local authorities are responsible for providing free school lunches and applications must be made through the relevant local body.

The briefing relates to England only.

# 1. Background

Nutritional standards for school dinners were first established in the 1940s in England but were abolished in 1980. Subsequently, the *School Standards and Framework Act 1998* gave the Secretary of State the power to make regulations prescribing nutritional standards and other nutritional requirements for school meals. It also placed a duty on LEAs and the governing bodies of schools maintained by LEAs, when they provide lunches, to provide them for registered pupils in line with the standards. In April 2001, statutory nutritional standards for school lunches were reintroduced by the *Education (Nutritional Standards for School Lunches) Regulations 2000* (since superseded).

Research carried out in 2004 by the then Department for Education and Skills (DfES) and the Food Standards Agency showed that while schools and caterers responded positively to the standards, in practice, children and young people continued to make unhealthy choices. Statistics from the Annual Health Survey for England 2004 showed that the levels of obesity for children had risen over the previous 10 years. Ongoing concerns led to the publication in 2004 of the DfES's guidance, *Healthy Living Blueprint for Schools*, and the Government's white paper, *Choosing Health: Making Healthy Choices Easier*.

In March 2005 the then Labour Government announced a series of measures to improve school meals, which were followed in May 2006 by the announcement of new nutritional standards for school meals. The [\*Education \(Nutritional Standards for School Lunches\) \(England\) Regulations 2006\*](#) introduced these changes. Over the following years, interim standards for school lunches and other school food (such as in tuck shops and breakfast clubs) were developed and replaced by final standards in September 2009.

The School Food Standards were subsequently further revised under the Coalition Government, with new standards coming into force in January 2015.

## 2. School Food Standards

### 2.1 The School Food Plan

In April 2012, the then Education Secretary, Michael Gove, asked John Vincent and Henry Dimbleby, the founders of Leon restaurants, to conduct an independent review of school food. In July 2013, Vincent and Dimbleby published the [School Food Plan](#), which provided a wide range of steps for schools to increase the take-up of school meals, improve the quality of school meals, and take other measures such as teaching pupils about cooking and ingredients.<sup>1</sup>

### 2.2 Revised School Food Standards: since January 2015

#### Development

The [School Food Plan](#) included proposals for revised food standards, intended to be easier to implement and enforce. The Plan stated that if the new standards were agreed to be effective from a practical and nutritional standpoint, the Secretary of State had agreed to make them mandatory across all types of school.<sup>2</sup> The Government ran a [consultation](#) on revised standards between March and April 2014.<sup>3</sup>

In June 2014, the Secretary of State [announced](#) a new set of standards for food served in schools, alongside the Government response to the spring consultation.<sup>4</sup> The announcement stated that the revised standards were “designed to make it easier for school cooks to create imaginative, flexible and nutritious menus. They will be mandatory in all maintained schools, and new academies and free schools.”<sup>5</sup>

#### Application

[The Requirements for School Food Regulations 2014](#) provided for the reformed standards. The regulations came into force on 1 January 2015.

The Government published [advice](#) for schools on the new regulations on 8 January 2015. It applies to:

- all local authority maintained schools
- pupil referral units
- academies that opened prior to 2010
- academies and free schools with agreed funding from June 2014
- non-maintained special schools

The School Food Plan website provides a [summary](#) of what should be provided (e.g. one or more portions of fruit every day; a portion of meat or poultry on three or more days each week, or a portion of non-dairy

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<sup>1</sup> Department for Education, [The School Food Plan](#), 30 July 2013

<sup>2</sup> *Ibid.*, p9

<sup>3</sup> Department for Education, [Revised standards for food in schools](#) [accessed 2 July 2014]

<sup>4</sup> Department for Education, [Revised standards for food in schools – Government response](#), 17 June 2014

<sup>5</sup> Department for Education, [New school food standards](#), 17 June 2014

protein on three or more days each week for vegetarians). A [practical guide](#) is also provided.

Academies that opened from 2010 and agreed funding prior to June 2014 are not bound by these standards, which are not part of their funding agreements. The previous Government said that an overwhelming majority of these schools had told them they would adhere to the standards voluntarily:

**John Cryer:** To ask the Secretary of State for Education, how many (a) academies and (b) free schools that opened between September 2010 and August 2014 have not voluntarily signed up to the school food standards to date.

**David Laws:** The Department for Education does not hold this data.

Revised school food standards regulations for local authority maintained schools, academies that opened prior to September 2010 and academies and free schools in England entering into a funding agreement from June 2014 will come into effect on 1 January 2015.

The authors of the School Food Plan are encouraging academies and free schools to commit voluntarily to the new standards. 99% of those academies which responded to a survey by the School Food Trust in 2012 said they were committed to following the new food standards. All academies and free schools signing their funding agreements from spring 2014 are required to adhere to the new, less bureaucratic school food standards.<sup>6</sup>

In March 2016, the Local Government Association [stated](#) that almost two thirds of the academies not required to follow the standards had not signed up to do so. The LGA recommended that the Government act to ensure that all schools were required to meet the standards.<sup>7</sup>

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<sup>6</sup> [PQ 214314 \[Academies: Food\], 17 November 2014](#)

<sup>7</sup> [Local Government Association, 2,500 academies yet to sign up to healthy school meal standards, 22 March 2016](#)

## 3. Funding for School Meals

### 3.1 The School Lunch Grant (2008-11)

The School Lunch Grant was a specific, ring-fenced grant made to local authorities and schools until March 2011. Its aim was to increase the number of children eating healthy school meals by helping schools and councils keep down the price of a school lunch. It could only be used in four ways – to:

- Pay for ingredients for school lunch;
- Pay labour costs of catering staff;
- Buy small pieces of kitchen equipment, for example microwaves, ovens, combi-ovens, mixers etc.;
- Pay for the nutrient analysis software required to assess whether a menu meets the national school lunch standards and the expertise to operate the software.

### 3.2 Funding for School Meals since April 2011

The Government removed the ring-fence from the funding of school meals after the School Lunch Grant ended in April 2011. The following response to a Parliamentary Question sets out the then Government's position:

**Nick Gibb:** The funding for schools provided through the school lunch grant has not been abolished, but continues to be available through the Dedicated Schools Grant in 2011-12. This will allow schools to make their own decisions about the use of this funding. This is in line with the Government's drive to devolve responsibility for making decisions about the best use of resources to professionals in schools. Consistent with our philosophy of reducing bureaucracy and increasing the professional autonomy of schools, we have no plans to collect information from individual local authorities of the impact of freeing up resources in this way.<sup>8</sup>

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<sup>8</sup> HC Deb 28 Jun 2011 530 c760-1W

## 4. Free School Meals

### 4.1 Eligibility

Parents do not have to pay for school lunches if they receive any of the following:

- Income Support
- Income-based Jobseekers Allowance
- Income-related Employment and Support Allowance
- Support under Part VI of the *Immigration and Asylum Act 1999*
- the guaranteed element of State 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 4 weeks after a person stops qualifying for Working Tax Credit
- Universal Credit – with household income of less than £7,400 a year (after tax and not including any benefits) from 1 April 2018, with transitional protections for previously existing claimants (see page 11 of this briefing)

Prior to 1 April 2018, all claimants for Universal Credit were eligible for free school meals. The following protections are in place for existing claimants:

- From April 2018, all existing claimants will 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 eligibility for free school meals after the threshold has been introduced will be protected against losing free school meals during the Universal Credit rollout period.
- No further eligibility checks will be required for protected families during this period.
- 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) will 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 will not be eligible for free school meals.<sup>9</sup>

Children who get any of the qualifying benefits in their own right (i.e. they get benefits payments directly, instead of through a parent or guardian) can also get free school meals.

Children under the compulsory school age who are in full-time education may also be able to get free school meals.

Free school meals are available to pupils who attend sixth forms attached to a maintained school, as long as the course of study began before the pupil reached age 18. Pupils who study in sixth form

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<sup>9</sup> Department for Education, [Eligibility for free school meals and the early years pupil premium under Universal Credit](#), February 2018, p9



colleges, Further Education colleges or other providers are not entitled to free school meals, although individual colleges may provide them.

Local authorities are responsible for providing free school lunches and applications must be made through the relevant local body.<sup>10</sup>

### Free School Meals in Academies and Free Schools

An answer to a Parliamentary Question on 27 June 2011 set out the position on the provision of free school meals in academies and free schools:

**Nic Dakin:** To ask the Secretary of State for Education whether (a) free schools and (b) academies will be required to provide free meals to eligible post-16 students. [59974]

**Mr Gibb:** Free schools and academies are governed by a funding agreement with the Secretary of State. The funding agreement provides the framework within which these schools operate and requires free schools and academies to provide free school meals to eligible pupils aged up to 18 years. This requirement also applies to pupils in these institutions who are aged 19 or over, if their course of study began before they attained the age of 18.<sup>11</sup>

## 4.2 Recent changes to Free School Meal eligibility under Universal Credit

### Background

Universal Credit is a new benefit which is replacing means-tested social security benefits and tax credits for people of working age. Universal Credit will replace:

- Working Tax Credit
- Child Tax Credit
- Income-based Jobseeker's Allowance
- Income Support
- Income-related Employment and Support Allowance
- Housing Benefit

The Library briefing [Universal Credit roll-out: Autumn/Winter 2017](#), CBP 8096 provides the most recent information on Universal Credit and its progress.

Universal Credit impacts on free school meal eligibility as it abolishes several of the qualifying benefits. This has broader significance as free school meal eligibility is used as a measure of disadvantage in other school funding, such as the Pupil Premium.

### Consultation

During the initial period of roll out for Universal Credit, all recipients qualified for free school meals. The Government, however, did not intend for this to be the final position, and stated that it was considering how to determine free school meal eligibility as the Universal Credit roll

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<sup>10</sup> The gov.uk website publishes [up-to-date information on eligibility for free school meals](#).

<sup>11</sup> HC Deb 27 June 2011 c571W

out progressed (see, for example, [PQ response 63835](#) from February 2017).

In November 2017, the Department for Education published a [consultation on eligibility for free school meals](#), as well as eligibility for the early years' pupil premium, under Universal Credit.

The [consultation document](#) set out the following proposed threshold for a net earnings threshold of £7,400 per annum. The Department estimated that around 50,000 more pupils would become eligible under this system:

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.<sup>12</sup>

The Department's methodology in reaching the 50,000 figure is [set out in an Appendix](#) to a report of the House of Lords Secondary Legislation Scrutiny Committee.<sup>13</sup>

The consultation proposed to introduce this net earnings threshold in April 2018, and for the threshold to remain constant until the end of the Universal Credit rollout period.

The consultation also set out the Government's plans for existing recipients of free school meals to not lose their entitlement following the introduction of new eligibility criteria, alongside other protections.

The Government stated that the protection for existing claimants reflected that the changes would otherwise mean that some currently entitled households would lose out:

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%) 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.<sup>14</sup>

The consultation was open until 11 January 2018.

<sup>12</sup> Department for Education, [Eligibility for free school meals and the early years pupil premium under Universal Credit](#), p9

<sup>13</sup> [Appendix 1](#) to House of Lords Secondary Legislation Scrutiny Committee [20th Report of Session 2017-19](#), 1 March 2018, HL Paper 82

<sup>14</sup> Department for Education, [Eligibility for free school meals and the early years pupil premium under Universal Credit](#), p11

## Government response

The Government published its [response to the consultation](#) on 7 February 2018.

The announcement confirmed that the Government intended for the proposals set out in the consultation to become law.<sup>15</sup> The [Free School Lunches and Milk, and School and Early Years Finance \(Amendments Relating to Universal Credit\) \(England\) Regulations 2018](#) were laid before Parliament to implement the change, and came into force on 1 April 2018. Transitional arrangements are provided for in [The Welfare Reform Act 2012 \(Commencement No. 30 and Transitory Provisions\) Order 2018](#).

The full response was published as [Eligibility for free school meals and the early years pupil premium under Universal Credit](#) and provided the following overview of the proposals, restating the intentions set out in the consultation:

We will introduce an annual net earnings threshold of £7,400, which will typically equate to an overall household income of between £18,000 and £24,000 once benefits income is taken into account, depending on individual circumstances. Eligibility will be verified by using an equivalent monthly check verified from the household's most recent Universal Credit assessment periods. Our threshold is comparable with that introduced by the Scottish government for free school meals eligibility, and we consider it fair and appropriately targeted.

As a result of these proposals, we estimate that by 2022 around 50,000 more children will benefit from a free school meal compared to the previous benefits system. We will keep the threshold constant until the end of the Universal Credit rollout period, and will then keep the threshold under review to ensure that those who most need support are benefiting. We will provide additional funding to schools to recognise the increase in the number of free school meals they will be providing.<sup>16</sup>

The response stated that, as indicated in the consultation, protections would be put in place for existing claimants (see section 4.1).

## IFS Analysis: winners and losers

On 5 April 2018, the Institute for Fiscal Studies published an [analysis of the changes](#) to eligibility for free school meals under Universal Credit, funded by the Office of the Children's Commissioner.

The analysis found that the 50,000 increase (around 4%) in eligible pupils, costing £20-30million per year, was produced by an increase of 210,000 pupils who would not have been eligible under the legacy system, with 160,000 (or 1 in 8) of those who would have qualified under the former system losing eligibility.

Further information was provided on who made up these groups:

- The number of children with at least one parent in paid work who will be eligible for FSMs will increase by around

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<sup>15</sup> Department for Education, [Government responds to consultation on disadvantage support](#), 7 February 2018

<sup>16</sup> Department for Education, [Eligibility for free school meals and the early years pupil premium under Universal Credit](#), February 2018, p8

140,000 (though again with winners and losers). 90,000 children in workless families will lose eligibility for FSMs, largely because their parents have unearned income or assets that disqualify them from UC.

- The net increase in eligibility under UC is entirely accounted for by the children of lone parents: among the children of couples, there will be as many losers as winners. But there are winners and losers within both groups.
- About two-thirds of the children entitled to FSMs are in the lowest-income fifth of households with children. This will remain essentially unchanged after the switch to UC. However, under the UC system – as is the case under the legacy system it replaces – only about half of children in the poorest fifth will be entitled to FSMs.

The report also noted that the Government intends to freeze the £7,400 net earnings threshold in cash terms until 2021–22 – “if it instead increased this threshold with CPI or earnings, approximately 80,000 or 100,000 more children respectively would be entitled to FSMs in 2021–22 than under the current plan.”<sup>17</sup>

### Further discussion

A [BBC News article](#) following the publication of the consultation raised concerns about a potential ‘cliff-edge’ aspect to the proposals if they are rolled out as planned:

If a household is earning just under £7,400 and has the chance to earn slightly more money, it may have an incentive to turn it down.

Free school meals are worth £2.30 per child per day, which over a 38-week school year comes out at £437 per child, so even for a household with a single eligible child, taking on an extra hour of work per week at £7.50 an hour would mean a loss of income.<sup>18</sup>

Some other bodies have argued that the Government should continue to make FSM available to all children from families in receipt of any Universal Credit. The Children’s Society, for example, has [made this argument](#):

Continuing to provide free school meals for all children on universal credit would not only help vulnerable children, it would also prevent low income parents being left worse off if they take on more hours or get a pay rise. Universal credit was designed to always make work pay, but these plans will undermine that very principle.

The regions worst affected by child poverty stand to lose the most from the proposed eligibility criteria. In London 212,000 children are projected to miss out on free school meals, in the West Midlands with 130,000 children and the North West 130,000 children.

If the government continued to offer free school meals to all children whose families claim universal credit, around two million children from poor and low-income families in England would benefit once roll out is completed. Under the benefits system that

<sup>17</sup> Institute for Fiscal Studies, [Free school meals under universal credit](#), 5 April 2018

<sup>18</sup> BBC News, [Universal credit: Free school meals proposal keeps cliff edge](#), 17 November 2017

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universal credit is replacing, only families where parents are working too few hours to claim working tax credits are entitled to free school meals. The government proposals will mean that just 700,000 of the 1,700,000 school children in poverty who could be helped, will receive free school meals.<sup>19</sup>

The Resolution Foundation considered the FSM eligibility issue in a [blog post](#) published on 11 January 2018:

So far all families [on Universal Credit] are entitled – because very few working families with children are in the system. Rather than massively expand or severely curtail Free School Meals the government proposes a compromise. It will broadly maintain the status quo with an earnings threshold similar to the tax credit cut off point. But doing so creates an effective £11 a week loss of income when crossing the threshold, and it takes £30 of earnings to claw it back given the UC taper. In reality relatively few will find themselves faced with this cliff-edge. However, a core tenet of UC – that it will always pay to work more – has been sacrificed.<sup>20</sup>

The Resolution Foundation [has estimated](#) that the cost of the existing situation, where all families with children receiving Universal Credit are entitled to receive FSMs “could reach around £0.6 billion a year.”<sup>21</sup>

### Debate in Parliament

A debate on [Free School Meals and Pupil Premium eligibility](#) was held in Westminster Hall on 6 February 2018.

A motion to annul the Regulations was debated, alongside other motions relating to Universal Credit, in the House of Commons on [13 March 2018](#), and defeated by 312 votes to 254.<sup>22</sup>

A motion to regret the Regulations was passed by 167 votes to 160 following a debate in the House of Lords on [20 March 2018](#).<sup>23</sup>

## 4.3 Universal Infant Free School Meals (UIFSM)

### Introduction, funding, and advice for schools

Section 106 of the [Children and Families Act 2014](#) makes provision for free school meals to be provided for all pupils in Reception, Year 1 and Year 2. This duty took effect from September 2014 and is applicable for maintained schools, academies and free schools. [Departmental advice](#) is available for schools on fulfilling the new duty, including funding information, most recently revised in July 2015.<sup>24</sup>

The policy of universal free school meals for infant pupils (UIFSM) was announced by the then Deputy Prime Minister, Nick Clegg, in

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<sup>19</sup> [Children’s Society press release](#), 19 December 2017

<sup>20</sup> Resolution Foundation, [Five big calls on Universal Credit for the new Work and Pensions Secretary](#), 11 January 2018

<sup>21</sup> Resolution Foundation, [Universal Remedy: Ensuring Universal Credit is fit for purpose](#), October 2017, p24

<sup>22</sup> [HC Deb 13 Mar 2018 c755-813](#)

<sup>23</sup> [HL Deb 20 Mar 2018 c232-256](#)

<sup>24</sup> Department for Education, [UIFSM: guide for local authorities and schools](#) [accessed 13 August 2015]

September 2013.<sup>25</sup> Free school meals for all primary school children was a recommendation of the School Food Plan.<sup>26</sup> The [announcement](#) stated:

The government will fund schools in England to provide every child in reception, year 1 and year 2 with a hot, nutritious meal at lunch time. The aim is to improve academic attainment and save families money – over the course of a year the average family spends £437 on school lunches per child.

Universal free school meals for primary school pupils were a key recommendation in a recent review of school food produced independently for the Department for Education. The review found that, in pilots where all children have been given a free school dinner, students were academically months ahead of their peers elsewhere and more likely to eat vegetables at lunchtime instead of less healthy food like crisps.

At the same time, the government will extend free school meals to disadvantaged students in further education and sixth form colleges. Free school meals are currently available only for eligible students at school sixth forms.

### Concerns: school funding implications

Concerns were raised following the introduction of UIFSM about potential implications of the introduction of universal free school meals for infant children on school funding.

Schools receive Pupil Premium funding for children who qualify for free school meals, and were concerned about missing out on this funding if parents did not register for meals that their children now received as a matter of course. See for instance:

- BBC News, [Free school meals threat to poor pupil funds, say heads](#), 20 March 2014
- Guardian, [Schools policy 'car crash' sows confusion among parents](#), 11 January 2015

In October 2015, the House of Commons Public Accounts Select Committee stated in a [report](#) on Funding for Disadvantaged Pupils that problems around the identification of disadvantaged pupils could become more acute with the introduction of Universal Credit:

Universal Credit, which will see five benefits combined into one, means the end of the current basis for determining free school meals and therefore Pupil Premium eligibility. The Department does not yet know how it will identify disadvantaged pupils following Universal Credit's introduction, and there is relatively little time to find an answer. There has also been substantial variation in the level of under-claiming between local authorities. In 2013, in some areas more than 30% of eligible pupils did not take up their free school meals entitlement compared to 0% in other areas. The Department told us that it wanted to target local authorities where under-claiming was high, so that schools do not miss out on funding because parents fail to claim.<sup>27</sup>

<sup>25</sup> Department of Education, [Free school lunch for every child in infant school](#), 17 September 2013

<sup>26</sup> Department for Education, [The School Food Plan](#), p8-9

<sup>27</sup> House of Commons Public Affairs Select Committee, [Funding for Disadvantaged Pupils](#), 9 October 2015, HC 327 2015-16, conclusions and recommendations para 5

Eligibility for FSM under Universal Credit is being considered by the Government and a consultation is now underway (see section 4.2).

An [article](#) discussing the Committee's report on the National Association of Head Teachers' website noted that the NAHT was "in discussions with the Department about how eligible children could be identified through the benefits system and data sharing, rather than by their parents having to come forward."<sup>28</sup>

### Spending Review 2015: confirmation of continued funding

There were a number of press reports in September 2015 stating that the Chancellor's Spending Review on 25 November 2015 would include the removal of the current provision of free school meals for all children in Reception, Year 1 and Year 2. See, for example:

- Guardian, [Cuts could serve up an end to free healthy school dinners for infants](#), 1 September 2015
- Independent, [Free school meals for infants 'set to be scrapped' under Osborne's spending review](#), 20 September 2015

An [article](#) in the Guardian on 20 September stated that Labour were opposed to the removal of the provision.<sup>29</sup>

A [petition](#) against the potential removal on the Parliamentary website had at the time of writing attracted over 40,000 signatures. The Government had responded to the petition, stating:

The Government is currently conducting a Spending Review across all its programmes. Therefore, every policy across Whitehall is being reviewed as part of this process and no decisions have yet been taken.<sup>30</sup>

Sharon Hodgson raised the issue with the Prime Minister on 28 October 2015. The Prime Minister responded that the Government would be keeping the policy:

**The Prime Minister:** I am immensely proud that it was a Government I led that introduced that policy... I am proud of what we have done, and we will be keeping it.<sup>31</sup>

The Chancellor's [Spending Review](#) in November 2015 included confirmation that funding for universal infant free school meals would be maintained.<sup>32</sup>

### Funding for 2016/17 and Withdrawal of UIFSM support service

The Department for Education [webpage on UIFSM](#) was updated on 29 January 2016. Funding information for 2016/17 was set out as follows:

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<sup>28</sup> National Association of Head Teachers, [MPs weigh into fairer funding debate](#), 9 October 2015

<sup>29</sup> Guardian, [Labour warns children would go hungry if universal free meals scrapped](#), 20 September 2015

<sup>30</sup> UK Government and Parliament Petitions, [Keep Universal Infant Free School Meals in England](#) [accessed 13 October 2015]

<sup>31</sup> [HC Deb 28 Oct 2015 c342](#)

<sup>32</sup> HM Treasury, [Spending Review and Autumn Statement 2015](#), November 2015, para 1.164, p44

### 2016 to 2017 academic year

Schools will continue to receive £2.30 per meal.

We'll base their total allocation on the average number of meals they record in the October 2016 and January 2017 [school censuses](#). We'll announce final allocations in June 2017.

The update information also stated that the Department had "Removed information about the UIFSM support service because it has been discontinued." The support service was additional funding provided for smaller schools to help them provide UIFSM. The change prompted some press discussion – see for instance the report in [Schools Week](#) on 3 February 2016.<sup>33</sup>

The following PQ from 2014 from the then Schools Minister, David Laws, sets out that funding provided for UIFSM in small schools in England (those with fewer than 150 pupils) was intended to be transitional:

**David Laws:** We recognise some smaller schools will face particular challenges in implementing universal infant free school meals. We have therefore allocated an extra £22.5 million transitional funding in 2014-15 to help schools with 150 pupils or fewer to implement the policy. Each qualifying small school received a minimum of £3,000. This is on top of the £2.30 per meal taken which all schools have been given for their newly eligible infants.<sup>34</sup>

A more recent PQ from the Parliamentary Under Secretary of State Sam Gyimah also referred to the funding for small schools as transitional:

**Sam Gyimah:** The Department for Education allocated £1 billion for the provision of universal infant free school meals (UIFSM) between 2014-16 financial years. In addition, we have allocated £184.5 million of capital to enable schools to improve their kitchen and dining facilities, and £32.5 million in transitional funding for small schools.<sup>35</sup>

The minimum of £3,000 funding provided in 2014-15 was reduced to £2,300 for all qualifying schools in [2015-16](#).

## Education Policy Institute report: the impact of UIFSM

In January 2018, the Education Policy Institute published an [Evaluation of Universal Infant Free School Meals](#).

The EPI report published a variety of findings on policy implementation and outcomes, as well as cost issues. The EPI found a rapid increase of take-up of free school meals, and parental satisfaction as well as financial benefits for families. The EPI however found significant costs for schools, and potential future concerns about the levels of funding provided.

Some key findings are summarised below:

<sup>33</sup> Schools Week, [DfE ends universal infant free meals small school support grant](#), 3 February 2016

<sup>34</sup> [PQ 906349, 1 Dec 2014](#)

<sup>35</sup> [PQ 11448, 15 Oct 2015](#)



## 17 School meals and nutritional standards (England)

- UIFSM led to a rapid increase in school meal take-up (from an estimated 38% in 2013-14 to 80% in 2015-16) and this was reflected across the majority of schools
- Schools and caterers have incurred significant costs and have made many revisions to the delivery of food to implement UIFSM
- Most parents are satisfied with the quality of school lunch provision. Schools with better Ofsted inspection outcomes have tended to have higher rates of take-up
- Parents have cited significant financial benefits as a result of UIFSM and have appreciated the time that has been saved from not having to make packed lunches
- UIFSM has not, on its own, caused most schools to change their wider food policies but it has often supported, or been a catalyst for, wider efforts to improve the profile of healthy eating in a school
- The estimated economic resource costs of the policy are smaller than the value of financial and time savings for families, although this is dependent on seeing the impacts observed in the FSM pilots replicated, on achieving economies of scale in production, and on maintaining quality in school food provision
- Under any scenario the public sector financial costs are substantial (an estimated total of £5.56bn over a 10-year period)
- On reasonable assumptions of future cost inflation the current funding rates applied by the Department for Education are likely to become insufficient
- The policy has also affected Pupil Premium funding for infants, which may affect the same children in later years. (31% of school leaders surveyed reported that take-up of FSM for pupil premium purposes had decreased, 15% reported that it had increased and 38% reported that it had stayed the same due to UIFSM).<sup>36</sup>

### Conservative Manifesto 2017: proposed abolition of UIFSM

The [Conservative Manifesto](#) for the 2017 General Election stated that the Government did not believe UIFSM constituted a sensible use of public money. The manifesto proposed the removal of UIFSM, with provision replaced by free breakfasts for all primary school children. Children from low-income families would continue to be eligible for FSM, and the savings made from the change would be returned to schools' core budgets.<sup>37</sup>

Following the election, the Schools Minister [announced](#) that the Government had reconsidered, and that the existing provision would be retained.<sup>38</sup>

### Labour Party Manifesto 2017: free school meals for all primary school children

The Labour Manifesto for the 2017 General Election stated that if elected the party would introduce free school meals for all primary

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<sup>36</sup> Education Policy Institute, [Evaluation of Universal Infant Free School Meals](#), January 2018

<sup>37</sup> [Conservative Party Manifesto 2017](#), p51-52

<sup>38</sup> [HC Deb 4 July 2017 c1027](#)

school children, to be paid for by removing the VAT exemption on private school fees.<sup>39</sup>

## 4.4 Free School Meals Pilot 2009-2011

In September 2008 the then Labour Government announced a free school meals pilot for primary school children in deprived areas. The trial was designed to investigate whether free meals for all primary school children in a deprived area would raise academic and behavioural standards, and reduce obesity and improve health generally. An [evaluation](#) of the pilot, which was carried out in Newham and Durham, was published in July 2012.<sup>40</sup>

## 4.5 Automatic registration for free school meals

### Ten Minute Rule Bill

The [Free School Meals \(Automatic Registration of Eligible Children\) Bill 2015-16](#) was introduced by Rt Hon Frank Field MP on 15 December 2015 under the Ten Minute Rule. The Bill aimed to provide local authorities with the duties and powers required to identify and automatically register all children eligible for free school meals, and to provide for an opt-out where children's families wished. The Bill did not progress further.

### Online eligibility checking system (ECS)

The online [eligibility checking system](#) (ECS) launched under the Coalition Government can be used to assess eligibility for free school meals. A response to a Parliamentary Question asked in December 2014 sets out that all local authorities in England have now signed up to this scheme:

**Philip Davies:** To ask the Secretary of State for Education, which local authorities have signed up to the online free school meal eligibility checking service.

**David Laws:** All 152 English local authorities are signed up to the Eligibility Checking System (ECS).

The ECS can be used to determine entitlement to both free school meals and free early education for two-year-olds, and the pattern of checks and frequency of use is different for each local authority.

[\[PQ 216678, 1 December 2014\]](#)

A further response from October 2015 noted that:

**Sam Gyimah:** The department's records indicate that all English local authorities have used the eligibility checking system for free school meals.

[\[PQ 13032, 30 October 2015\]](#)

<sup>39</sup> [Labour Party Manifesto 2017](#), p38

<sup>40</sup> Department for Education, [Evaluation of the free school meals pilot: impact report](#), 26 July 2012

The [Eligibility Checking Service](#) can be accessed online. It is necessary to log in to use the service, but eligibility can be checked for FSM using a pupil's name and postcode.

Some [guidance for local authorities on the ECS](#) is also available.

### Digital Economy Bill amendment

During the Commons Committee Stage of the *Digital Economy Bill 2016-17*, an Opposition amendment, New Clause 19, was tabled to, Kevin Brennan stated, "explicitly provide for councils to share benefit data with schools, thus allowing eligible children to be automatically enrolled to receive free school meals rather than having to apply."<sup>41</sup>

The Minister, Matt Hancock, spoke in favour of permitting, rather than requiring, this data sharing, and stated that existing provisions in the Bill clarified that local authorities could do this and facilitated further expansion of the practice. He said that such data sharing was already provided for through the ECS, and that:

Indeed, the Bill sets out how aspects of data sharing can be expanded through secondary legislation in due course. [...]

The proposals in the Bill are permissive, rather than requiring action. I would be concerned if we required the sharing of data, because of their sensitivity, especially when they are not anonymised, which they would not be if the aim was to find children who are eligible for free school meals. We want to make sure that the person receiving the data has the necessary assistance to handle them, and it is incredibly important that the law should make it clear that that data sharing is permitted, as that removes a reason not to share data.<sup>42</sup>

### Using housing benefit data

Following up from the proposed amendment to the *Digital Economy Bill*, Frank Field asked a parliamentary question about using housing benefit data to check eligibility for FSM. The Minister responded that the Government did not see this solution as sustainable:

**Frank Field:** To ask the Secretary of State for Education, what steps she is taking to ensure that housing benefit data is used by local authorities in England to identify and automatically register all children eligible for free school meals.

**Edward Timpson:** We want to make it as simple as possible for schools and local authorities to determine eligibility for free school meals (FSM).

We understand that some local authorities have found this approach can be an effective tactic. However, it does not provide a complete or sustainable solution to automatic registration for FSM. We do not consider further legislation to be necessary for this particular approach.

To support FSM registration, the department provides an online eligibility checking facility; and a model registration form for schools to use within their enrolment process.

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<sup>41</sup> [PBC Deb 28 Nov 2016 c1330](#)

<sup>42</sup> [PBC Deb 28 Nov 2016 c1344](#)

The department is exploring what opportunities exist in the longer term to make FSM registration processes more efficient.<sup>43</sup>

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<sup>43</sup> [PQ 56826, 13 December 2016](#)

## 5. Breakfast clubs

Schools are not required to provide breakfast clubs, although many do so.

### 5.1 DfE guidance for schools

In March 2017, the Department for Education published a briefing for school leaders on [how to set up and sustain a breakfast club](#).<sup>44</sup>

The briefing was prepared by ICF Consulting, and published alongside a report evaluating the impact of breakfast clubs (see section 5.2).

### 5.2 Conservative Manifesto 2017: free breakfasts for primary school children

The [Conservative Manifesto](#) for the 2017 General Election proposed free breakfasts for all primary school children. This provision was intended to replace universal infant free school meals, although following the election result universal infant free school meals were retained (see section 4.2).

The manifesto stated:

There is now good evidence that school breakfasts are at least as effective in helping children to make progress in school. So under a new Conservative government, schools in England will offer a free school breakfast to every child in every year of primary school, while children from low-income families will continue to receive free school lunches throughout their years in primary and secondary education.<sup>45</sup>

#### Proposals withdrawn

Following the election, the Parliamentary Under Secretary of State for the School System, Lord Nash, [announced](#) that the Government did not now plan to introduce free breakfasts.<sup>46</sup>

### 5.3 DfE evaluation of breakfast clubs in schools with high levels of deprivation

The Department for Education published an [evaluation of the impact of breakfast clubs on schools with high deprivation levels](#) in March 2017, prepared by ICF Consulting.

The report evaluated the programme implemented by Magic Breakfast (see following section), and found it “was successful in terms of the numbers of schools recruited; the high proportion continuing with a breakfast club and the positive impacts which schools perceived for their pupils.”<sup>47</sup>

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<sup>44</sup> Department for Education, [Breakfast Clubs Setup and Implementation: Briefing for School Leaders](#), March 2017

<sup>45</sup> [Conservative Party Manifesto 2017](#), p51-52

<sup>46</sup> [HL Deb 4 Jul 2017, c792](#)

<sup>47</sup> Department for Education, [Evaluation of Breakfast Clubs in Schools with High Levels of Deprivation](#), March 2017, p7

It also raised concerns about some schools' ability to attract children on free school meals to attend, with around a fifth of schools involved finding lower proportions attending than were on the school roll.<sup>48</sup>

The report made a series of recommendations for any future extension of the programme, including:

- Expert involvement to select schools for inclusion and provide support on the ground for during the first year
- Breakfast clubs should be free for FSM pupils, with low or no charges for others
- That any expansion should consider including high FSM eligible schools who already have breakfast clubs but which could be expanded<sup>49</sup>

A full list of recommendations is provided on pages 8-9 of the [report](#).

## 5.4 Magic Breakfast

[Magic Breakfast](#) deliver breakfasts under a [contract with the Department for Education](#) to set up breakfast clubs in schools where over 35% of pupils are eligible for free school meals and there was no previously existing breakfast provision. This provision was introduced as part of the [School Food Plan](#) published in July 2013 by the Department for Education and the founders of Leon restaurants, whom the Education Secretary had asked to conduct an independent review of school food. Chapter 10 of the Plan (pages 112-119), provides further context for the measure, and information on the impact on schools and pupils of children attending without receiving a proper breakfast.

The Magic Breakfast website provides further information on its [impact](#).

The most recent response to a Parliamentary Question on Government support stated:

**Sam Gyimah:** Magic Breakfast currently receive central government funding from a contract with the Department for Education. The objective of the project is to set up and run 184 breakfast clubs in schools where 35% or more children are eligible for free school meals, to ensure that children are fed and are at school on time and ready to learn. Magic Breakfast are required to develop plans to enable the breakfast clubs to be self-sustaining beyond the contract period. The project is being externally evaluated.

The value of the contract is £1.087m, of which £518,523 has so far been paid. This is the only central government funding currently provided to Magic Breakfast in England. Any funding in Scotland, Wales or Northern Ireland would be a matter for the relevant governments. The Department does not hold a breakdown of contract expenditure by parliamentary constituency.<sup>50</sup>

Magic Breakfast are also involved in breakfast club projects with the [Mayor's Fund for London](#).

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<sup>48</sup> Ibid., p8

<sup>49</sup> Ibid., p9

<sup>50</sup> [PQ 14580, 6 November 2015](#)

## 5.5 IFS and National Children's Bureau report on impact

In November 2016, the Institute for Fiscal Studies and the National Children's Bureau published the results of a [study into the impact of breakfast clubs](#), with largely positive findings about their impact.

The study found that children in year 2, where schools had been offered support to open a breakfast club made the equivalent of two months' additional progress in reading, writing and maths over the course of a year. Pupils in year 6 made had similar gains in English, with smaller positive effects reported on maths and science attainment.<sup>51</sup>

The report also found that:

- Gains were likely to be the result of the content or context of the school breakfasts, rather than of increasing overall breakfast consumption;
- Pupil absences declined as a result of breakfast club provision;
- Behaviour and concentration in the classroom improved substantially.

The report stated that these gains had been achieved at relatively low cost, albeit with fairly low take-up rates. It also noted that attainment levels rose more amongst children from less disadvantaged (non-FSM) backgrounds, rather than for those eligible for FSM.<sup>52</sup>

## 5.6 Number of breakfast clubs

The former Department for Children Schools and Families collected data on extended school services up to 2010. These could include breakfast clubs at schools. They only published the number of schools meeting the extended services 'offer' by whatever method, not separate data on different types of services ([Percentage of schools providing access to extended services as at June 2010, DfE](#)). Since 2010 the Government has not collected data on any extended services (see, for instance, [PQ 177104 \[on after school clubs\] 25 November 2013](#)).

The latest *Childcare and early years survey of parents* found that 6% of families (with children aged <15) used breakfast clubs in 2012 and this equates to around 300,00 families or 360,00 children. Those aged 5-11 were most likely to attend a breakfast club (7% v 4% for all aged 0-14). [Childcare and early years survey of parents: 2012 to 2013](#), DfE

Research for breakfast cereal manufacturer Kellogg's estimated that 85% of schools across the UK had a breakfast club in early 2014; up by 45% since 2008. Rates varied from 96% in Wales to 91% in the North East, 89% in the North West and London and 72% in Scotland. You can find more detail at: [Kelloggs Breakfast Club Audit](#)

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<sup>51</sup> Institute for Fiscal Studies, [Breakfast clubs work their magic in disadvantaged English schools](#), 4 November 2016

<sup>52</sup> Ibid.

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