

FREE SCHOOL MEALS IN WALES: INFORMATION FOR SCHOOLS



Llywodraeth Cymru
Welsh Government

This leaflet sets out questions which we anticipate schools may wish to ask following the Welsh Government's introduction of an annualised net earned income threshold of £7,400 for Universal Credit claimants who wish to claim free school meals for their children.

Which pupils are able to receive free school meals?

Free school meals are available to eligible pupils who attend school full-time. This includes:

- Younger children who attend nursery for full days
- Sixth form school pupils

A pupil may be able to get free school meals if their parent or guardian gets any of the following:

- Income Support
- Income-based Jobseeker's Allowance
- Income-related Employment and Support Allowance
- Support under Part VI of the Immigration and Asylum Act 1999
- Guarantee element of Pension Credit
- Child Tax Credit (provided the parent isn't entitled to Working Tax Credit and has an annual gross income of no more than £16,190)
- Working Tax Credit run-on - paid for 4 weeks after a claimant stops qualifying for Working Tax Credit
- to 31 March 2019, Universal Credit ¹
- from 1 April 2019, Universal Credit, provided the household has an annualised net earned income² of no more than £7,400 (as assessed by earnings from up to three of their most recent assessment periods).

Pupils who receive Income-related Employment and Support Allowance, Income Support or Income-based Jobseeker's Allowance in their own right could also be able to receive free school meals.

For children/young people to be eligible to receive free school meals:

- the parent (or child/young person) must be in receipt of the relevant benefit or support payment
- an application for free school meals should have been submitted to the local authority
- the application should have been approved, or documents should have been seen that strongly indicate eligibility.

¹ This was done as a temporary measure, pending the development of new eligibility criteria.

² Net earned income is defined as household income after taxes and deductions. It does not include income from Universal Credit or other benefits.

What about colleges of further education?

Free school meals are not available for students in further education colleges.

Students from low income households who attend a further education college should contact the Student Support Officer for their college as help with the cost of meals might be available.

What if a child is a pupil at a private school?

Local authorities are legally bound to provide free school meals to eligible pupils attending maintained schools only. This means parents cannot claim free school meals for their child if the child is a pupil at a private or independent school.

Independent schools in Wales are run by either independent companies or charities. If a child/young person has obtained a scholarship or bursary, the parent should check whether this funding includes an allocation for free school meals.

If it does not, the parent then needs to establish whether further financial assistance is available by contacting the body which awarded the child's scholarship or the school.

How do parents apply for free school meals?

The easiest way is for them to apply online. Most local authority websites have an online application form.

Parents are likely to contact their child's school and seek guidance about making an application and so it may be worth schools familiarising themselves with their local authority's free school meals web pages and knowing the application process.

Where a parent/carer is known to be eligible, can a local authority register a pupil for free school meals without a request having been made?

A pupil cannot be registered as eligible for free school meals and free school meals cannot be awarded automatically without a request being made by, or on behalf of the parent or pupil. (A person acting on behalf of the parent or pupil would normally be a relative or friend, or someone working on their behalf to help them access all benefits they may be entitled to, for example, a representative from the Citizens Advice Bureau).

Some local authorities will contact a parent/carer to ask them if they would like to apply for free school meals for their child(ren) if they think they might be entitled.

A number of local authorities will also encourage parents to claim free school meals because having more pupils eligible for free school meals can result in additional funding for the school or local authority (the Welsh Government's Pupil Development Grant and the Local Government Settlement, for example).

If a person makes a claim, how is their eligibility for free school meals checked?

The Department for Education in England has developed an on-line eligibility checking system which allows a person's eligibility to be checked using their date of birth and national insurance number. The Welsh Government pays for local authorities in Wales to use this system.

The eligibility checking system can be used successfully in most cases. Where it can be used, claimants do not need to provide proof of benefit entitlement and/or earnings.

Where the eligibility checking system is not used, the claimant will be asked to provide proof of benefits and any earnings.

What is "Transitional Protection"?

On 1 April 2019, the Welsh Government introduced new rules for claiming free school meals. Because of this, a relatively small number of children and young people could have lost their eligibility for free school meals. "Transitional protection" was introduced to ensure that these children and young people could continue to receive free school meals for a limited period of time.

Transitional protection can be summarised as follows:

- Any child or young person who was eligible for free school meals on 1 April 2019, when the new rules were introduced, will have their free school meals protected until 31 December 2023³, even if their circumstances change and they no longer meet the eligibility criteria.
- Any child or young person who becomes eligible for free school meals between 1 April 2019, when the new rules were introduced, and 31 December 2023, will have their free school meals protected until 31 December 2023, even if their circumstances change and they no longer meet the eligibility criteria.
- Any child or young person who is eligible for free school meals on 31 December 2023 will continue to have their free school meals protected until the end of their current school phase (i.e. until they finish in the phase they are in on 31 December 2023, either primary education or secondary education). This applies even if their circumstances change and they no longer meet the eligibility criteria.
- Transitional protection will not be extended to claimants who are not on Universal Credit or legacy benefits, and are therefore unaffected by the change in free school meals eligibility criteria.

³ This is the point by which the Department for Work and Pensions expects Universal Credit to be fully rolled out, and is based on the most up-to-date expectations at the time of writing.

In this school, we have a family where one child's free school meals are protected and the other doesn't receive free school meals. Why is this?

This is likely to be because one of the children is “transitionally protected” (see the section before this one on “Transitional Protection”) and the other one isn't.

Transitional protection applies to the child or young person as opposed to the family. It is possible that, within one family, some children will be able to get free school meals because of transitional protection and some won't. For example, younger children will not become entitled to free school meals simply because their older sibling is receiving transitional protection.

We have been told that we must separately record on the annual school census children who are eligible for free school meals and those who are transitionally protected. Why is this?

We need to be able to distinguish between pupils who are eligible for free school meals and pupils who are transitionally protected. This is because a number of things are predicated on whether a child is eligible for free school meals. For example, the number of pupils eligible for free school meals influences the way in which local government funding is allocated. Eligibility for free school meals can also be a qualifier for specific grants.

When a person who is working and also gets Universal Credit, wishes to claim free school meals, how will they know if they are earning more than £7,400 a year?

If a person who is working and who also claims Universal Credit wishes to claim free school meals, they may not know whether their earnings are more than £7,400 a year. When they make their claim for free school meals, their local authority will check their eligibility using the eligibility checking system. In most cases, the eligibility checking system will work out whether their earnings are below £7,400 a year and if the person is eligible to claim free school meals.

In other cases, the local authority will ask the person to provide proof of their earnings and will work out whether earnings are more than £7,400 a year or £616.77 per month (i.e. £7,400 divided by 12). If earnings are too high, the person will not be allowed to claim free school meals (although they can claim again if their earnings should drop).

With regard to the £7,400 a year threshold, won't most people have an income which is higher than this?

The £7,400 threshold relates to net earned income defined as household income after taxes and deductions. Net income from employee earnings and declared self-

employment earnings would be taken into account. It does not include income from Universal Credit or other benefits.

What are the rules around Working Tax Credits?

Families who receive Working Tax Credit are not entitled to free school meals. However, those receiving the Working Tax Credit run-on - paid for 4 weeks after a claimant stops qualifying for Working Tax Credit would be entitled to free school meals providing they meet the remaining eligibility criteria.

What happens if the family has a change of personal circumstance?

Changes in circumstances can affect a family's benefits payments and they should be advised to should notify the Department for Work and Pensions or their local Job Centre Plus immediately (depending which benefits they are in receipt of). This includes a change in:

- relationship status
- child care costs
- working hours
- income levels
- the young person's circumstances
- whether a parent is leaving the UK for more than eight weeks

Where a family ceases to receive the benefit that has allowed them to claim free school meals for their children, they should notify their local authority of the change in their circumstances.

Families may live in one local authority area but their children attend a school in a neighbouring local authority. Which local authority is responsible for providing the child's free school meals?

The authority in which the pupil attends the school, not where the pupil resides, is responsible for:

- providing the free school meal
- assessing the eligibility of a claimant.

What is the definition of a 'parent' for free school meal purposes?

The definition of 'parent' is set out in section 576 of the Education Act 1996. It includes any person who has care of the child. Foster parents are also included. The child does not have to be living with the parent who qualifies for free school meals.

There is no discretion on the part of the local authority; if a parent satisfies the criteria, the child is eligible for free school meals.

What happens when a child/young person is being fostered?

Free school meal legislation allows foster parents to claim free school meals. As long as a parent is eligible to claim free school meals, the child can get them. A child could potentially have four parents; two foster parents and two natural parents.

If any one of these four parents meets the criteria, then their child is eligible for free school meals. This would equally apply if the child was being cared for by grandparents or other family members.

However, there is confusion around foster parents who are paid an allowance, which includes covering the cost of school meals. The foster parent and local authority may want to come to an agreement about this. The child could have the free school meal and the element of the allowance in respect of school meals wouldn't be paid to the foster parent.

Alternatively, the foster parent could agree not to claim the free school meal and be paid the full allowance. This is something which needs to be resolved between the authority and the foster parent.