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BRIEFING PAPER

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School meals and nutritional standards (England)

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Inside:

1. Background
2. School Food Standards
3. Funding for School Meals
4. Free School Meals
5. Breakfast clubs

Contents

One page briefing	3
1. Background	4
2. School Food Standards	5
2.1 The School Food Plan	5
2.2 Revised School Food Standards: since January 2015	5
Development	5
Application	5
3. Funding for School Meals	7
3.1 The School Lunch Grant (2008-11)	7
3.2 Funding for School Meals since April 2011	7
4. Free School Meals	8
4.1 Eligibility	8
Free School Meals in Academies and Free Schools	9
4.2 2018 changes to Free School Meal eligibility under Universal Credit	9
Consultation	9
Government response	11
IFS Analysis: winners and losers	11
Further discussion	12
4.3 Universal Infant Free School Meals (UIFSM)	13
Introduction, funding, and advice for schools	13
Concerns: school funding implications	14
Spending Review 2015: confirmation of continued funding	15
Funding	16
Education Policy Institute report: the impact of UIFSM	16
4.4 Free School Meals Pilot 2009-2011	17
4.5 School meals during the holidays	17
Private Member's Bill	17
Ministerial response: research and pilots	18
Initial pilots: statistics	19
2019 holiday club programme	19
2020 holiday club funding	19
4.6 Automatic registration for free school meals	20
Ten Minute Rule Bill	20
Online eligibility checking system (ECS)	20
Digital Economy Bill amendment	20
Using housing benefit data	21
5. Breakfast clubs	22
5.1 DfE guidance for schools	22
5.2 DfE evaluation of breakfast clubs in schools with high levels of deprivation	22
5.3 Magic Breakfast	22
5.4 IFS and National Children's Bureau report on impact	23
5.5 Number of breakfast clubs	24

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 largely provided through 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.¹

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.² The Government ran a [consultation](#) on revised standards between March and April 2014.³

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.⁴ 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.”⁵

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

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

² *Ibid.*, p9

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

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

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

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 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 Coalition 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.⁶

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.⁷

⁶ [PO 214314 \[Academies: Food\], 17 November 2014](#)

⁷ 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.⁸

⁸ 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.⁹

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.

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

9 School meals and nutritional standards (England)

Free school meals are available to pupils in school sixth forms (maintained or academy) on the same basis as children of compulsory school age and this requirement was extended to [Further Education institutions](#) in 2014/15.¹⁰

Local authorities are responsible for providing free school lunches and applications must be made through the relevant local body.¹¹

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 18.¹²

4.2 2018 changes to Free School Meal eligibility under Universal Credit

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

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

¹⁰ Department for Education, [16 to 19 funding: free meals in further education funded institutions for 2018 to 2019](#), 13 September 2018

¹¹ The gov.uk website publishes [up-to-date information on eligibility for free school meals](#).

¹² 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.¹³

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.¹⁴

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.¹⁵

The consultation was open until 11 January 2018.

¹³ Department for Education, [Eligibility for free school meals and the early years pupil premium under Universal Credit](#), p9

¹⁴ [Appendix 1](#) to House of Lords Secondary Legislation Scrutiny Committee [20th Report of Session 2017-19](#), 1 March 2018, HL Paper 82

¹⁵ 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.¹⁶ 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.¹⁷

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:

¹⁶ Department for Education, [Government responds to consultation on disadvantage support](#), 7 February 2018

¹⁷ Department for Education, [Eligibility for free school meals and the early years pupil premium under Universal Credit](#), February 2018, p8

- The number of children with at least one parent in paid work who will be eligible for FSMs will increase by around 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.”¹⁸

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.¹⁹

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.

¹⁸ Institute for Fiscal Studies, [Free school meals under universal credit](#), 5 April 2018

¹⁹ BBC News, [Universal credit: Free school meals proposal keeps cliff edge](#), 17 November 2017

13 School meals and nutritional standards (England)

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 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.²⁰

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.²¹

The Resolution Foundation [has estimated](#) that the cost of the previously existing situation, where all families with children receiving Universal Credit were entitled to receive FSMs could have risen to around £0.6 billion per year.²²

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 254.²³

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](#).²⁴

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](#)

²⁰ [Children's Society press release](#), 19 December 2017

²¹ Resolution Foundation, [Five big calls on Universal Credit for the new Work and Pensions Secretary](#), 11 January 2018

²² Resolution Foundation, [Universal Remedy: Ensuring Universal Credit is fit for purpose](#), October 2017, p24

²³ [HC Deb 13 Mar 2018 c755-813](#)

²⁴ [HL Deb 20 Mar 2018 c232-256](#)

[advice](#) is available for schools on fulfilling the new duty, including funding information, most recently revised in July 2015.²⁵

The policy of universal free school meals for infant pupils (UFSM) was announced by the then Deputy Prime Minister, Nick Clegg, in September 2013.²⁶ Free school meals for all primary school children was a recommendation of the School Food Plan.²⁷ 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 UFSM 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

²⁵ Department for Education, [UFSM: guide for local authorities and schools](#) [accessed 13 August 2015]

²⁶ Department of Education, [Free school lunch for every child in infant school](#), 17 September 2013

²⁷ Department for Education, [The School Food Plan](#), p8-9

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.²⁸

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."²⁹

In December 2018, a [blog by Education Datalab](#) suggested that "a small percentage" of eligible infant schoolchildren's parents did not respond to schools' requests that they register for FSM, resulting in a loss of funding for the schools concerned.³⁰

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.³¹

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.³²

²⁸ House of Commons Public Affairs Select Committee, [Funding for Disadvantaged Pupils](#), 9 October 2015, HC 327 2015-16, conclusions and recommendations para 5

²⁹ National Association of Head Teachers, [MPs weigh into fairer funding debate](#), 9 October 2015

³⁰ Education Datalab, [How much Pupil Premium funding are primary schools missing out on?](#), 12 December 2018

³¹ Guardian, [Labour warns children would go hungry if universal free meals scrapped](#), 20 September 2015

³² UK Government and Parliament Petitions, [Keep Universal Infant Free School Meals in England](#) [accessed 13 October 2015]

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.³³

The Chancellor's [Spending Review](#) in November 2015 included confirmation that funding for universal infant free school meals would be maintained.³⁴

Funding

The Department for Education [webpage on UIFSM](#) provides information on the funding of UIFSM, including allocations for schools.

The [conditions of grant for 2019/20](#) set out that each meal taken by an eligible pupil attracts £2.30. The allocation assumes that pupils will take 190 school meals over an academic year, providing £437 per eligible pupil.

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:

- 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

³³ [HC Deb 28 Oct 2015 c342](#)

³⁴ HM Treasury, [Spending Review and Autumn Statement 2015](#), November 2015, para 1.164, p44

- 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).³⁵

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 2012.³⁶

4.5 School meals during the holidays

Private Member's Bill

Concerns have been raised regularly about children who receive free school meals during term time but may not receive adequate meals during the holidays.

In September 2017, Frank Field presented the [School Holidays \(Meals and Activities\) Bill 2017-19](#) to Parliament. The Bill would require local authorities to facilitate the delivery of programmes that provide free meals and activities for children during school holidays.

A [Library briefing](#) was prepared ahead of the Second Reading debate which provided information on the Bill's proposals in more detail.³⁷

The Bill's Second Reading debate in the Commons began on 19 January 2018 and was scheduled to continue on 27 April, but did not do so as the Bill was withdrawn by Mr Field following Government commitments on research and pilot programmes.

³⁵ Education Policy Institute, [Evaluation of Universal Infant Free School Meals](#), January 2018

³⁶ Department for Education, [Evaluation of the free school meals pilot: impact report](#), 26 July 2012

³⁷ House of Commons Library, [School Holidays \(Meals and Activities\) Bill - 2nd reading](#), 12 January 2018, CDP 2017/064

Ministerial response: research and pilots

The Minister stated during the debate on Mr Field's Bill that, while the Government would oppose the Bill, it would be conducting research into how to make provision in this area:

Nadhim Zahawi: [...] I am, therefore, pleased to confirm today that the Government will launch research, as the right hon. Gentleman has requested, into how best to ensure that more children from disadvantaged families benefit from healthy meals and enrichment activities during the holidays, including through targeted pilots. The programme will include engagement with stakeholders and will enable us to assess the impact of Government intervention.

Where I differ with the right hon. Gentleman is in his belief that primary legislation is required to address the issue. I do not believe that that is the case. Moreover, it would not be sensible to impose a duty on local authorities to deliver such provision until we have more evidence about the scale of the issue, the most effective ways of tackling it, and, of course, the costs and burdens associated with doing so.

The Government therefore oppose this private Member's Bill. However, as I have already confirmed, the Government will support the right hon. Gentleman's proposal to investigate the best way to ensure that the most disadvantaged children have access to activities and healthy meals in the school holidays. The research programme will include funding for a targeted pilot programme, as he and I have discussed. That will allow the Government to consider if and how they should intervene in the long term. That programme of work will focus on the best and most cost-effective ways to address the issue, with an emphasis on securing the best possible value for money.

We will ensure that we do that by maximising the use of existing resources and focusing on targeting those areas in greatest need, building on the good work that is already under way in many local communities. However, only once the findings from the evaluation are available will it be possible to reach an informed view about next steps. We will want to consider these findings carefully, taking account of value for money. Before we have the evidence, it would not be right for me to make any commitment today to further action, either in terms of introducing a national policy or placing a duty on local authorities to offer such provision along the lines proposed by the right hon. Gentleman's Bill.³⁸

On 28 March 2018, the Government [announced](#) £2million for research into ways of supporting disadvantaged families through "healthy meals and enriching activities" during the school holidays through the Holiday Activities and Food Research Fund, focused on:

- testing the effectiveness of interventions;
- looking at take-up of provision;
- identifying the costs involved; and
- considering whether there are particular areas where this kind of programme would be most effective.

19 School meals and nutritional standards (England)

This is initial research to be followed by a targeted pilot programme in the 2019 Easter and summer holidays. Initial information included directions on how to bid for funding (which was open until 18 April 2018).³⁹

More [detail on the pilot schemes](#) was announced by the DfE on 27 July 2018. The schemes would provide free meals as well as activities such as football and cooking classes. They would operate “across the country including the North East, Birmingham and London.”

The announcement stated that Ministers would be working with Mr Field and other stakeholders as the pilots’ progress.⁴⁰

Initial pilots: statistics

The Department for Education published statistics on [holiday hunger schemes during the summer 2018 school holidays](#) in November 2018.

The short briefing listed the following key findings:

- The seven organisations supported the delivery of 283 new and existing holiday clubs, which together had a total of 3,649 sessions.
- The number of children recorded as attending at least one session was 18,200.
- The percentage of children attending more than one session was 71%, while the percentage of children attending more than 50% of sessions operated by the club was 25%.
- Forty-nine percent of attendees were recorded as receiving Free School Meals (FSM), but the true percentage could be higher as 24% of attendees had a recorded FSM status of ‘not stated’ or ‘not known’.
- Of the 18,200 children recorded as attending, 49% were recorded as primary phase (year 1 to year 6), 19% as secondary phase (year 7 to year 11), 14% as pre-year 1 and 2% in post-16 education (year 12 to year 14). A further 15% did not state or know their school year group.⁴¹

2019 holiday club programme

In December 2018, the [Government announced](#) that the pilots would be followed by a £9million programme of holiday clubs for the summer break in 2019.⁴²

2020 holiday club funding

In January 2020, the Government announced a [further £9million for free meals and activities](#) for disadvantaged children during the 2020 summer holidays. This was alongside £11.8million for school breakfast clubs in disadvantaged areas (see section 5 for more information on

³⁹ DfE, [Boost to support disadvantaged families during the holidays](#), 28 March 2018

⁴⁰ DfE, [Free holiday activities and meals for disadvantaged families](#), 27 July 2018

⁴¹ Department for Education, [Holiday Activities and Food: 2018 programme](#), p4

⁴² Department for Education, [Extra support for disadvantaged children during school holidays](#), 21 December 2018

school breakfasts). The areas that would receive the holiday club funding have not yet been announced.⁴³

4.6 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](#)]

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

⁴³ Department for Education, [Free meals and summer holiday activities for children](#), 4 January 2020

data with schools, thus allowing eligible children to be automatically enrolled to receive free school meals rather than having to apply.”⁴⁴

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.⁴⁵

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.

The department is exploring what opportunities exist in the longer term to make FSM registration processes more efficient.⁴⁶

⁴⁴ [PBC Deb 28 Nov 2016 c1330](#)

⁴⁵ [PBC Deb 28 Nov 2016 c1344](#)

⁴⁶ [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](#).⁴⁷

The briefing was prepared by ICF Consulting, and published alongside a report evaluating the impact of breakfast clubs (see section 5.3).

5.2 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.”⁴⁸

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.⁴⁹

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 expanded⁵⁰

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

5.3 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

⁴⁷ Department for Education, [Breakfast Clubs Setup and Implementation: Briefing for School Leaders](#), March 2017

⁴⁸ Department for Education, [Evaluation of Breakfast Clubs in Schools with High Levels of Deprivation](#), March 2017, p7

⁴⁹ Ibid., p8

⁵⁰ Ibid., p9

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.⁵¹

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

5.4 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.⁵²

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;

⁵¹ [PO 14580, 6 November 2015](#)

⁵² Institute for Fiscal Studies, [Breakfast clubs work their magic in disadvantaged English schools](#), 4 November 2016

- 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.⁵³

5.5 Number of breakfast clubs

In September 2019, the Government provided the following information on the [number of breakfast clubs in England](#), in response to a Parliamentary Question:

Ms Kemi Badenoch: The department is investing up to £26 million into the National Schools Breakfast Programme, using funds from Soft Drinks Industry Levy revenues. A contract was awarded to Family Action in March 2018 and will run until March 2020. Family Action, in partnership with Magic Breakfast, have both been named as the leading charities responsible for running the Breakfast Club programme. Together they have set up or improved more than 1,700 breakfast clubs across the country.

The department's breakfast club provision is one of a number of available programmes open to schools. Across England there are a number of independent schemes already in operation either run by schools themselves or in partnership with charities and organisations such as Kellogg's and Greggs.

The department does not collect figures on the total number of breakfast clubs in operation outside of our programme.⁵⁴

⁵³ Ibid.

⁵⁴ [PQ 284428, 6 September 2019](#)

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