
CONSULTATION



CHANGES TO ELIGIBILITY CRITERIA FOR FREE SCHOOL MEALS AND UNIFORM GRANTS

April 2017



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Foreword

This consultation is intended to seek your views on a potential change to the eligibility criteria for free school meals and uniform grants in Northern Ireland.

Following the United Kingdom-wide introduction of Universal Credit, as part of the wider Welfare Reform Programme, it has become necessary to change the eligibility criteria.

In order to maximise the number of pupils eligible for free school meals and uniform grants from within the anticipated funding envelope, the Department of Education is proposing to introduce an additional criterion based on receipt of Universal Credit with an associated earnings threshold of £14,000. Forecasting suggests this should have an overall effect of increasing the numbers of pupils eligible by around 2,000.

This consultation process is seeking views on the proposed additional eligibility criterion with the aim of ensuring those most in need receive this important benefit.

It is considered necessary to carry out this consultation now so that there is sufficient time to make any necessary changes to the eligibility criteria ahead of the next academic year, which starts in September 2017.

Derek Baker
Permanent Secretary
Department of Education

April 2017



1. BACKGROUND

- 1.1 Free school meals (FSM) provide targeted support to families on low incomes. They are aimed at those children deemed to be most in need of additional help and are provided to ensure that eligible children have access to a meal which is suitable as the main meal of the day.
- 1.2 Uniform grants provided under the Clothing Allowances Scheme provide assistance towards the cost of specific items of school uniform and clothing for physical education for pupils at primary and post-primary schools or day pupils at special schools.
- 1.3 Free school meals and uniform grants are allocated to a pupil on an annual basis. As families change, the annual application may be made by a different parent, guardian or the pupil themselves. However only one award per year per pupil of free school meals and uniform grant is made.
- 1.4 The current eligibility criteria for free school meals and uniform grants are based in general on the applicant being in receipt of certain welfare benefits and tax credits that have already been means tested by the Department for Communities and Her Majesty's Revenue and Customs. Free school meals are therefore described as a passported benefit. This is an established method across the United Kingdom of assessing eligibility for free school meals and uniform grants.
- 1.5 As part of the wider Welfare Reform Programme across the United Kingdom five qualifying benefits and tax credits will be replaced by Universal Credit, specifically: Income Support, Income-based Jobseeker's Allowance, Income-related Employment and Support Allowance, Working Tax Credit and Child Tax Credit. Therefore a new criterion is needed to ensure those pupils most in need continue to qualify for free school meals and uniform grants when Universal Credit is introduced.

- 1.6 Current planning is that Universal Credit will be rolled out to new claimants across Northern Ireland (on a geographical basis) between September 2017 and September 2018 and those already receiving the benefits in paragraph 1.5 will move to Universal Credit from July 2019 to March 2022.
- 1.7 As with the rest of the United Kingdom, it is planned that Northern Ireland will use Universal Credit eligibility as a method to assess eligibility for free school meals and uniform grants. Using this method will support the aim to help those most in need.

2. STRATEGIC CONTEXT

- 2.1 The Department considers that the provision of healthy free school meals to those from low income families is a key intervention which contributes to the delivery of Departmental and wider Government priorities.
- 2.2 Alongside the nutritional benefits, as free school meals effectively reduce the costs of providing lunches for lower income families, they make an important contribution to addressing the barriers that young people from the lower income backgrounds face in accessing education, participating fully in school life, obtaining formal qualifications and enhancing their employment and lifetime opportunities.

3. FREE SCHOOL MEALS AND UNIFORM GRANT NUMBERS

- 3.1 The number of pupils entitled to free school meals has increased substantially in recent years, from around 57,000 pupils in 2009/2010 to 101,000 pupils in 2015/2016. The number entitled to uniform grants has also increased from around 57,000 pupils to 96,000 in the same period.
- 3.2 In 2015/16, of the 101,000 pupils entitled to free school meals, 82,000 of those took a free school meal on the census day. The Department provided funding of approximately £43.6 million in 2015/16 to cover the costs of school meals.



- 3.3 Around 98,000 pupils from disadvantaged backgrounds were entitled to uniform grants in 2015/16 and the Department provided funding of approximately £5.3 million.
- 3.4 The two main reasons for this increase have been the phased introduction of the Working Tax Credit criterion between 2010/11 and 2014/15 and the impact of the economic downturn on the numbers claiming benefits or tax credits. In addition, eligibility based on Working Tax Credit or special educational needs is included in Northern Ireland criteria but not in the criteria for England and Wales.
- 3.5 Further information on free school meals can be accessed on the Department of Education website at:
www.education-ni.gov.uk/articles/school-meals-statistical-bulletins

4. POLICY, ADMINISTRATION AND DELIVERY

- 4.1 The Department is responsible for the policy in relation to school meals and uniforms and for providing the funding for free school meals. The Education Authority has responsibility for the day to day operation of the school meals service, including free school meals, in the controlled and maintained school sectors. Voluntary Grammar Schools and Grant Maintained Integrated Schools are individually responsible for providing school meals and receive funding directly from the Department.

5. AIM AND OBJECTIVES OF NEW ELIGIBILITY CRITERIA

- 5.1 In developing new eligibility criteria it is necessary to consider how best to target free school meals and uniform grants within the resources available in order that those most in need are supported.
- 5.2 **The Department's primary aim is therefore to ensure that those most in need are able to access free school meals and uniform grants following the introduction of Universal Credit.**

Q1. Do you agree with the primary aim?

- 5.3 In addition, the objectives are that the new criteria should:**
- a. enable children from those families most in need to benefit;**
 - b. have due regard for equality of opportunity;**
 - c. be clear and easily understood by the public;**
 - d. be affordable within the available resources and likely to be sustainable in future years; and**
 - e. be cost-effective to administer and should facilitate the collection/use of data.**

Q2. Do you agree with the objectives?

6. CURRENT ELIGIBILITY CRITERIA FOR FREE SCHOOL MEALS AND UNIFORM GRANTS

- 6.1 At present a pupil is entitled to free school meals¹ where:**
- i. the pupil or the parent is in receipt of Income Support or Income based Jobseeker's Allowance; or Income related Employment and Support Allowance; or**
 - ii. the parent receives Child Tax Credit or Working Tax Credit and have a gross annual taxable income not exceeding an amount as determined by the Department (currently £16,190); or**
 - iii. the parent is in receipt of Working Tax Credit "run-on" – the payment someone may receive for a further four weeks after they stop qualifying for Working Tax Credit; or**

¹ Only pupils in full-time places in school are eligible to avail of a free meal.



- iv. the parent receives the Guarantee element of State Pension Credit; or
 - v. the pupil has a statement of special educational needs and is designated to require a special diet; or
 - vi. the pupil is a boarder at a special school; or
 - vii. the pupil is the child of an asylum seeker supported by the Home Office National Asylum Support Service²; or
 - viii. if none of the above applies and a child presents at school hungry, then the school should, on humanitarian grounds, provide a free school meal to the child³.
- 6.2 Similar eligibility criteria are used for school uniform grants, with the exception of criterion iii., v., vi. and viii., which do not apply. Uniform grants are also not payable to nursery pupils.

7. FREE SCHOOL MEAL DEPENDENCIES

- 7.1 Data on the numbers eligible for free school meals are used by the Department as a proxy indicator or measure of deprivation which, in turn, is used to determine how funding is distributed to schools and for statistical purposes. It is therefore important that account is taken of the budgetary and distributional impact of any new criteria on other parts of the education system.

² The Education Authority should also arrange to provide free school meals to children of asylum seekers awaiting the result of the application for National Asylum Support Service support.

³ When a school decide to provide a free school meal on humanitarian grounds this must be followed immediately with a referral to the Education Welfare Service within the Education Authority. The school should continue to provide free meals while the Education Welfare Service is carrying out its assessment.

- 7.2 If new criteria leads to an increase or decrease in the numbers eligible for free school meals, this will lead to a corresponding increase or decrease in the Targeting Social Need factor of the Common Funding Formula. An increase in funding allocated to a school under Targeting Social Need will effectively reduce the budget available for all schools (and the value of the Age Weighted Pupil Unit) resulting in a redistribution of funding.
- 7.3 The Extended Schools Programme enables those schools that draw pupils from some of the most disadvantaged communities to provide a range of services and programmes outside the traditional school day to help meet the needs of pupils, their families and wider communities. The allocation of funding under the Extended Schools Programme is based on the percentage of pupils enrolled at the school entitled to free school meals.

8. PROPOSED NEW ELIGIBILITY CRITERIA

- 8.1 This section outlines the Department's proposal for introducing a new eligibility criterion for free school meals and uniform grants which it considers will achieve the primary aim and objectives which are outlined at Section 5.
- 8.2 In order to maximise the number of pupils eligible for free school meals and uniform grants from within the available resources, it is proposed that a net earnings threshold is introduced alongside the Universal Credit criterion. To ensure those in need have access to free school meals this new criterion will need to apply from 25 September 2017.
- 8.3 During the roll-out of Universal Credit across Northern Ireland, currently planned from September 2017 to March 2022, it is proposed that the following criterion will be added to the list at para 6.1. The earnings threshold may be subject to review during this period.
- ix. the pupil or parent is in receipt of Universal Credit and has **net** earnings not exceeding £14,000 per annum.



- 8.4 Following the completion of roll-out of Universal Credit, currently planned to be by March 2022, the following entitlement criteria will apply:
- i. the pupil or parent is in receipt of Universal Credit and has **net** earnings not exceeding £14,000 per annum;
 - ii. the parent receives the Guarantee element of State Pension Credit; or
 - iii. the pupil has a statement of special educational needs and is designated to require a special diet; or
 - iv. the pupil is a boarder at a special school; or
 - v. the pupil is the child of an asylum seeker supported by the Home Office National Asylum Support Service⁴; or
 - vi. if none of the above applies and a child presents at school hungry, then the school should, on humanitarian grounds, provide a free school meal to the child⁵.
- 8.5 Similar eligibility criteria will continue to be used for school uniform grants, with the exception of criterion iii., iv. and vi., which will not apply. Nursery pupils will continue to be ineligible for uniform grants.
- 8.6 Data modelling⁶ has been conducted to establish an earnings threshold at which the number of pupils currently receiving free school meals and uniform grants would be broadly maintained under Universal Credit.

⁴ The Education Authority should also arrange to provide free school meals to children of asylum seekers awaiting the result of the application for National Asylum Support Service support.

⁵ When a school decide to provide a free school meal on humanitarian grounds this must be followed immediately with a referral to the Education Welfare Service within the Education Authority. The school should continue to provide free meals while the Education Welfare Service is carrying out its assessment.

⁶ *The Policy Simulation Model is a static micro-simulation completed by Department for Communities based on data from the 2013-14 Family Resources Survey, up-rated to the relevant year's prices, benefit rates and earnings levels. All figures are rounded to the nearest 1,000 due to the sample size and potential for sampling error associated with all surveys.*

- 8.7 Currently those in receipt of Working Tax Credit or Child Tax Credit must have a gross annual taxable income not exceeding £16,190 to qualify for free school meals and uniform grants and their tax credit award notice or annual review notice is submitted to confirm the level of income. When Universal Credit is introduced it will not be possible to confirm the annual taxable income in this manner. However, the Universal Credit statement produced by the Department of Work and Pensions will only include details of the net earnings. Introducing a threshold based on net earnings as opposed to gross income has the potential to affect the following groups:
- i. Pupils from families currently entitled to tax credits that have a gross annual income exceeding £16,190 but net annual earnings less than the proposed net earnings threshold of £14,000 may now become entitled to free school meals and uniform grants.
 - ii. Pupils from families currently entitled to tax credits that have a gross annual income below £16,190 but net annual earnings higher than the proposed net earnings threshold of £14,000 may no longer qualify for free school meals after they would migrate over to Universal Credit over the 2019-2022 period. New applicants with net earnings over £14,000 would not be eligible for free school meals and uniform grants.
- 8.8 The data modelling provides an estimate of the potential impact at various net earnings thresholds. A summary is set out in the tables below.

Free school meals

Annual net earnings threshold	Estimated number of pupils entitled to FSM	Overall change in number of pupils entitled to FSM
£13,000	93,000	- 8,000
£14,000	103,000	+ 2,000
£15,000	113,000	+ 12,000
No threshold	154,000	+ 53,000



Uniform grants

Annual net earnings threshold	Estimated number of pupils entitled to uniform grant	Overall change in number of pupils entitled to uniform grant
£13,000	88,000	- 8,000
£14,000	98,000	+ 2,000
£15,000	107,000	+ 11,000
No threshold	146,000	+ 50,000

- 8.9 The modelling has indicated that the number of pupils currently receiving free school meals and uniform grants would be broadly maintained at a net earnings threshold of £14,000 per annum.
- 8.10 At this level it is forecast that while some pupils will become eligible and some pupils will lose their eligibility, there will be an overall positive impact with an additional 2,000 pupils becoming eligible for free school meals and uniform grants. This change in profile of pupils would primarily affect those in receipt of tax credits, as noted in paragraph 8.7. The additional cost at a net earnings threshold of £14,000 is estimated at £0.834m per annum for free school meals and £0.106m per annum for uniform grants when Universal Credit is fully implemented in March 2022 based on current uptake levels and costs.
- 8.11 At a threshold of £13,000 per annum it is forecast that up to 8,000 pupils may no longer be entitled to free school meals and uniform grants. The estimated saving at this threshold would be £2.5m per annum on free school meals and £0.424m per annum on uniform grants when Universal Credit is fully implemented in March 2022 based on current uptake levels and costs.
- 8.12 At a threshold of £15,000 per annum it is estimated that 12,000 pupils would become newly entitled to free school meals and around 11,000 to uniform grants at an estimated additional cost of £4.17m and £0.58m per annum respectively when Universal Credit is fully implemented in March 2022 based on current uptake levels and costs.

- 8.13 If free school meals were extended to all those on Universal Credit, without applying an earnings threshold, around 54,000 pupils would become newly entitled to free school meals and around 50,000 to uniform grants with an overall additional cost of £17.93m and £2.65m per annum respectively when Universal Credit is fully implemented in March 2022 based on current uptake levels and costs.
- 8.14 The data analysis indicates that applying an earnings threshold of £14,000 would achieve the stated aim and objectives with modelling suggesting an overall increase of 2,000 pupils becoming eligible for free school meals and uniform grants.
- 8.15 The other thresholds considered above would not meet the aim and objectives as they would lead to a significant reduction or increase in the number of pupils entitled to free school meals and uniform grants and as such would not broadly maintain current levels.
- 8.16 The cost of applying an earnings threshold of £15,000 or having no earnings threshold would be unsustainable as the level of funding required would not be available without funding being removed from other areas of the education sector.
- 8.17 Applying an earnings threshold of £13,000 would reduce the number of those eligible and would not help support the aim to help those most in need.
- 8.18 The Department therefore proposes introducing a new eligibility criterion which requires that the pupil or parent is entitled to Universal Credit and has net earnings not exceeding £14,000 per annum. It is expected that the associated costs would be affordable within available resources. This option will continue to target support to those families most in need within the resources available.
- 8.19 When Universal Credit has been fully introduced the criteria relating to Income Support, Income-based Jobseeker's Allowance, Income-related Employment and Support Allowance, Working Tax Credit and Child Tax Credit will be removed from the eligibility criteria.



Q3 The Department plans to add the receipt of Universal Credit with a net earnings threshold of £14,000 by a parent/guardian or pupil to the eligibility criteria to provide free school meals and uniform grants.

Do you agree this is an appropriate means approximately to maintain the numbers of pupils entitled within the anticipated budget envelope?

9. RESPONDING TO THIS CONSULTATION

9.1 This consultation is available on the Department of Education website at www.education-ni.gov.uk/consultations

9.2 Comments using the Response form available on the weblink above can be sent by email or posted to the address below. Responses should be submitted to arrive no later than **5pm on Monday 5 June 2017**.

Email to: schoolmealsteam@education-ni.gov.uk

By post to: Transport and School Meals Team
Department of Education
Room 6.06 Rathgael House
43 Balloo Road
Rathgill
Bangor
BT19 7PR

9.3 Please note that all responses will be treated as public, and may be published on the Department of Education website. If you do not want your response to be used in this way, or if you prefer for it to be used anonymously, please indicate this when responding.

Confidentiality and Access to Information Legislation

- 9.4 Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with access to information legislation: these are chiefly the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004 (EIR).
- 9.5 If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice (section 45) with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department of Education.
- 9.6 For further information about confidentiality of responses please contact the Information Commissioner's Office on 028 9026 9380 or email ni@ico.gsi.gov.uk or see their website: <https://ico.org.uk/>

10. EQUALITY IMPACT ASSESSMENT

- 10.1 Section 75 of the Northern Ireland Act 1998 requires all public authorities in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity between:
- persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
 - men and women generally;
 - persons with a disability and persons without; and
 - persons with dependants and persons without.



- 10.2 In addition, without prejudice to the above obligation, public authorities must also, in carrying out their functions, relating to Northern Ireland, have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.
- 10.3 The proposals in this consultation have been considered in the context of Section 75(1) and Section 75(2) of the NI Act 1998 and have been screened out.
- 10.4 The proposals seek to ensure that the most deprived families will continue to receive free school meals and uniform grants. No differential adverse impacts have been identified for any of the Section 75 categories.
- 10.5 Further, it is considered that the proposal will not have a detrimental impact on human rights or upon those living in rural areas.
- 10.6 A copy of the screening document is available on the Department of Education website at www.education-ni.gov.uk/consultations
- 10.7 The Department will monitor the impact of the proposed new eligibility criteria on an ongoing basis to ensure that any potential unintended impacts are identified at an early stage. The proposals may be reviewed and action taken, if appropriate.

Consultation