

DEPARTMENT OF EDUCATION

EQUALITY AND HUMAN RIGHTS POLICY SCREENING

FOR

**NEW ELIGIBILITY CRITERION FOR FREE SCHOOL
MEALS AND UNIFORM GRANTS**

**JULY 2017 – UPDATE TO SCREENING POST
CONSULTATION**

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1. POLICY SCOPING

1.1 Title of Policy

New Eligibility Criterion for Free School Meals (FSM) and Uniform Grants.

The changes will be introduced as a revision of the “*Approved Arrangements for the Provision of Milk, Meals and Related Facilities*”.

The consultation document related to the screening is available on the Department of Education website.

www.education-ni.gov.uk/consultations

1.2 Type of Policy Development

This is a revision of the “*Approved Arrangements for the Provision of Milk, Meals and Related Facilities*” made under Articles 58 and 59 of the Education and Libraries (NI) Order 1986, as amended.

1.3 Description of policy:

Background

FSM 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.

Over 185,000 school meals, both free and paid, were taken by pupils [on census day](#) (information collected with a reference point of 9 October 2015 relating to all grant-aided schools in Northern Ireland). This equated to a school meals uptake level of 60.6% by pupils present for lunch on the day.

Across all school types, including special schools, 101,063 pupils were entitled to FSM. Uptake was 81.1%, equating to 82,002 FSM per year.

Current Eligibility Criteria for FSM

As part of the wider Welfare Reforms the following benefits will be replaced by a new single benefit – Universal Credit (UC):

- (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 an 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

Similar eligibility criteria are used for uniform grants.

As the above benefits are the qualifying criteria for 99% of current claims for FSM, new criteria

are needed to ensure those pupils most in need continue to qualify for FSM and uniform grants.

UC is being introduced incrementally across the United Kingdom. Current planning for Northern Ireland (NI) is that UC will be rolled out to new claimants (on a geographical basis) between September 2017 and September 2018 and existing legacy benefit claims will migrate to UC from July 2019 to March 2022. The changes are being led by the Department for Communities (DfC).

As one of the affected NI Government Departments, the Department of Education is aiming to ensure access to FSM and uniform grants for those most in need when the first new claimants receive UC. A new criterion will therefore need to be added to the existing criteria by 27 September 2017.

The use of eligibility of UC (as for the 5 benefits it will replace) is a method for identifying pupils from families with levels of social deprivation, supporting our aim to target support through the provision of a nutritious FSM. Research demonstrates such provision generates positive impacts on behaviour, concentration, health and learning outcomes. Those who particularly benefit include those children from the most deprived backgrounds where the school meal may be the only meal they receive that day, and effectively reducing the financial pressure for lower income families to provide lunches for their children.

The Department's primary aim is to ensure that those most in need are able to access free school meals and uniform grants following the introduction of Universal Credit.

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 with the anticipated budget envelope and be likely to be sustainable in future years; and
- e) be cost-effective to administer and should facilitate the collection/use of data.

New Free School Meals Eligibility Criteria

The most reliable data available to the Department was provided by DfC using the Family Resources Survey that was used in their policy/data simulation modelling. The DfC forecasts indicated that the number of pupils who would be eligible to receive FSM is likely to be similar to current levels at a net earnings threshold of £14,000 per annum, used alongside being eligible for UC.

At this threshold it is envisaged that, as far as possible, all pupils, parents and carers currently entitled to Income Support, Income-based Jobseeker's Allowance, Income-related Employment and Support Allowance migrating to UC will continue to qualify for FSM. The change in profile of FSM pupils would primarily affect those in receipt of tax credits.

Those families entitled to tax credits that have a gross annual earnings below £16,190 but net annual earnings higher than the proposed net earnings threshold of £14,000 per annum may no longer qualify for FSM.

Those families entitled to tax credits that have a gross annual earnings exceeding £16,190 but net annual earnings less than the proposed net earnings threshold of £14,000 per annum may become entitled to FSM.

At a net earnings threshold of £14,000 it is forecast that there would be a net increase of up to

2,000 pupils overall taking a FSM/claiming a uniform grant. This is the closest threshold as indicated by the DfC Model to keep numbers eligible as close as possible to current levels. The model indicates that the overall increase is comprised of 2,000 pupils who may no longer be entitled to FSM and uniform grants, and around 4,000 pupils would become newly entitled to FSM and uniform grants. These estimated numbers are anticipated to be the position at the end of the roll-out and will gradually increase over the roll-out period, with lower numbers anticipated in the earlier years of the roll-out.

In considering the equality impact of the proposed change to the eligibility criteria, the following information relating to the DfC Model is relevant:

- I. Projections can be made of UC recipients in NI at the end of the UC roll out in March 2022 by section 75 category.
- II. Projections can be made of UC recipients in NI with school age children at the end of the UC roll out in March 2022 by section 75 category.
- III. Projections cannot be made of UC recipients in NI with school age children who may or may not have previously been in receipt of the benefits UC replaced at the end of the UC roll out in March 2022 by section 75 category.

The reason point III. cannot be produced on a reliable basis is due to the small sample size of the family resources survey used to inform the DfC model. To drill down to point III. to try to identify section 75 categories of those who may gain or lose out as a result of the change to UC, may produce different data when different samples are taken. As the effect on different section 75 categories cannot be reliably identified, remedial action cannot reasonably be taken in advance. There is therefore a greater need to ensure the effect of the changes is monitored as roll-out progresses.

There will be a transitional period as UC is rolled out to new claimants (on a geographical basis across NI) between September 2017 and September 2018. During this period the additional £14,000 threshold UC criterion will be relevant to these claimants. Those in receipt of any of the benefits being replaced by UC will continue to be eligible. Existing legacy benefit claims will migrate to Universal Credit from July 2019 to March 2022. When UC is 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. Existing claimants whose circumstances change, and who live in an area in NI changed over to UC, may move to UC from September 2017.

Any changes to eligibility for FSM will happen gradually between 2017-2022, lessening the effects of any loss in eligibility.

1.4 What factors could contribute to, or detract from the intended aim/outcome of the policy? (Please click on relevant boxes)

None	
Legislative	
Financial	✓
Others (please specify)	

1.5 Main stakeholders affected (Please click on relevant boxes)

Pupils (Actual or Potential)	✓
Parents	✓
Teaching Staff	

Trade Unions or Professional Organisations	
Other Public Sector Organisations – Education Authority	✓

1.6 Who is responsible for?

- (a) Devising the policy
- (b) Implementing it
- (c) Explain the relationship?

The Department is responsible for formulating and developing policy in relation to school meals and for setting in place the necessary administrative and financial arrangements. The Department provides funding for FSM to the Education Authority (EA). The EA have responsibility for the day to day operation of the school meals service, including FSM, in the controlled and maintained school sectors. Voluntary Grammar Schools (VGS) and Grant Maintained Integrated Schools (GMIS) are individually responsible for providing school meals and receive funding directly from the Department.

The EA and Boards of Governors of VGS and GMIS provide the service in accordance with the Departments “*Approved Arrangements for the Provision of Milk, Meals and Related Facilities*” made under Articles 58 and 59 of the Education and Libraries (NI) Order 1986, as amended. Amendments to the FSM eligibility criteria can be made through alterations to the Approved Arrangements without the need to make legislative changes.

1.7 Other policies or objectives with a bearing on this policy

DfC has responsibility for the introduction of UC in Northern Ireland. Decisions made by DfC in relation to the roll out of UC will have implications on passported benefits, such as FSM, over the transition phase.

2. EVIDENCE

2.1 What evidence/information (both qualitative and quantitative) have you gathered to inform this policy in respect of each of the categories?																																			
Section 75 Category	Details of Evidence/Information																																		
It is not possible to reliably identify those whose entitlement may change by section 75 category. This is due to the small sample size of the family resources survey used to inform the DfC model. Therefore evidence is provided of entitlement to free school meals by section 75 category, where this is available.																																			
Religious Belief	The breakdown of those entitled to a free school meal is 25.6% Protestant, 34% Catholic and 29.4% Other ¹ .																																		
Political Opinion	Religion is often taken as a proxy for political opinion.																																		
Racial Group	The breakdown of those entitled to a free school meal is 30.3% White and 34.8% Non-white ¹ .																																		
Age	<p>The age profile of those entitled to a free school meal is as follows¹:</p> <table> <tr><td>Age 2</td><td>15.6%</td></tr> <tr><td>Age 3</td><td>29.9%</td></tr> <tr><td>Age 4</td><td>31.4%</td></tr> <tr><td>Age 5</td><td>31.7%</td></tr> <tr><td>Age 6</td><td>32.1%</td></tr> <tr><td>Age 7</td><td>32.5%</td></tr> <tr><td>Age 8</td><td>32.5%</td></tr> <tr><td>Age 9</td><td>32.2%</td></tr> <tr><td>Age 10</td><td>31.5%</td></tr> <tr><td>Age 11</td><td>33.4%</td></tr> <tr><td>Age 12</td><td>32.9%</td></tr> <tr><td>Age 13</td><td>30.7%</td></tr> <tr><td>Age 14</td><td>29.8%</td></tr> <tr><td>Age 15</td><td>28.0%</td></tr> <tr><td>Age 16</td><td>22.0%</td></tr> <tr><td>Age 17</td><td>18.7%</td></tr> <tr><td>Age 18+</td><td>28.4%</td></tr> </table>	Age 2	15.6%	Age 3	29.9%	Age 4	31.4%	Age 5	31.7%	Age 6	32.1%	Age 7	32.5%	Age 8	32.5%	Age 9	32.2%	Age 10	31.5%	Age 11	33.4%	Age 12	32.9%	Age 13	30.7%	Age 14	29.8%	Age 15	28.0%	Age 16	22.0%	Age 17	18.7%	Age 18+	28.4%
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Age 18+	28.4%																																		
Marital Status	As marital status is not a consideration in eligibility for FSM this information is not collected.																																		
Sexual Orientation	As sexual orientation is not a consideration in eligibility for FSM this information is not collected.																																		
Men And Women Generally	30.5% of males and 30.4% of females are entitled to a free school meal ¹ .																																		
Disability	48% of pupils with a SEN are entitled to a FSM compared to 26% of pupils who don't have a SEN ¹ .																																		
Dependants	As having dependents is not a consideration in eligibility for FSM this information is not collected.																																		

Notes

Percentages provided are a proportion of total enrolments.

¹ 2015/2016 Annual Census Data

2.2 Taking into account the evidence gathered at 2.1 what are the needs, experiences and priorities of each category in relation to this particular policy?

Section 75 category	Needs/Experiences/Uptake/Priorities
Religious Belief	<p>Eligibility for FSM and uniform grants benefits all eligible Section 75 categories as access to FSM and uniform grants will target those most in need.</p> <p>The overall projected increase of 4000 pupils eligible under the new UC criteria is positive. However there are estimated to be 2000 who may no longer be eligible under UC. However differential impacts cannot be reliably identified for any particular Section 75 category using the DfC model provided to identify the option to broadly maintain numbers and costs, which has resulted in the overall increase of 2000.</p> <p>Any changes to eligibility for Free School Meals and uniform grants will happen gradually over the next five years lessening the effects of any loss in eligibility. Lower numbers are anticipated in the earlier phase of the roll-out.</p> <p>In relation to racial group, the child of an asylum seeker also has eligibility to FSM if the parent/guardian is supported by the Home Office National Asylum Support Service (NASS). In relation to disability, there are separate eligibility criteria in respect of special educational needs (current criteria (v) and (vi)). There are no current plans to change these criteria.</p>
Political Opinion	
Racial Group	
Age	
Marital Status	
Sexual Orientation	
Men And Women Generally	
Disability	
Dependants	

3. SCREENING QUESTIONS:

3.1 What is the likely impact of this policy on equality of opportunity for each of the Section 75 equality categories?		
Section 75 category	Level of Impact?	Details of policy impact
Religious Belief	Cannot be reliably identified	The eligibility criteria under UC will be applied equally across all Section 75 categories. No adverse differential impacts can reliably be identified for any particular Section 75 category using the DfC model provided to identify the option to broadly maintain numbers and costs.
Political Opinion	Cannot be reliably identified	
Racial Group	Cannot be reliably identified	
Age	Cannot be reliably identified	
Marital Status	Cannot be reliably identified	
Sexual Orientation	Cannot be reliably identified	
Men and Women Generally	Cannot be reliably identified	
Disability	Cannot be reliably identified	
Dependants	Cannot be reliably identified	

3.2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?

Section 75 category	YES/NO	Provide Details
Religious belief	Not identifiable at present.	As the forecasting model is not able to determine which categories are affected, promotion of equality of opportunity for particular categories cannot be identified.
Political opinion		
Racial group		
Age		
Marital status		
Sexual Orientation		
Men and Women generally		
Disability		
Dependants		

3.3 To what extent is the policy likely to impact on good relations between: people of different religious belief, political opinion or racial group?

Good relations category	Impact	Details of policy impact
Religious belief	Cannot be reliably determined	As the forecasting model is not able to determine which categories are affected, impact on good relations for particular categories cannot be identified.
Political opinion		
Racial group		

3.4 Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Good relations category	YES/NO*	Provide Details
Religious belief	Cannot be reliably determined	As the forecasting model is not able to determine which categories are affected, opportunities to promote good relations for particular categories cannot be identified.
Political opinion		
Racial group		

3.5 Additional considerations - Multiple identities

Please provide details of data on the impact of the policy on people with multiple identities and specify relevant Section 75 categories concerned.

Eligibility for FSM benefits all Section 75 categories as access to FSM and uniform grants will target those most in need.

4. SCREENING DECISION

Not to Conduct an Equality Impact Assessment because no equality issues have been identified.

Details which support the screening decision

The Department will seek to ensure that the most deprived families continue to receive FSM and uniform grants along the principles of current eligibility. No differential adverse impacts can be reliably identified for any of the Section 75 categories using the DfC model provided to identify the option to broadly maintain numbers and costs.

The current eligibility criteria for FSM and uniform grants are based on a pupil, parent or carer being in receipt of certain means tested benefits and tax credits.

With the introduction of UC certain benefits and tax credits will no longer exist so new criteria are required to enable the Department to continue to target support to those most in need. There is no intention to restrict access or to cut budgets. The proposal indicates more of those in need will be supported.

Current planning is that Universal Credit will be rolled out to new claimants (on a geographical basis) between September 2017 and September 2018 and existing legacy benefit claims will migrate to Universal Credit from July 2019 to March 2022. There will be no instant loss of eligibility to FSM in September 2017 as any forecast net increase will take place over the full roll out period (until March 2022).

5. TIMETABLING AND PRIORITISING

5.1 If the policy has been 'screened in' - On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Not applicable as policy screened out.

Criterion	Priority Rating
Effect on equality of opportunity and good relations	NA
Social need	NA
Effect on people's daily lives	NA
Relevance to a public authority's functions	NA
Total	NA

5.2 If the policy is affected by timetables established by other relevant Public Authorities please provide details

Not applicable.

Note: Details of the Department's Equality Impact Assessment Timetable will be included in a Quarterly Screening Report.

6. MITIGATION

If you conclude that the likely impact is '**minor**' and an equality impact assessment is not to be conducted, you should consider: mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Why and how will the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

Not applicable.

7. MONITORING

Effective monitoring will help identify any future adverse impact arising from the policy, as well as help with future planning and policy development.

Please detail what data you will collect in the future in order to monitor the effect of the policy on any of Section 75 equality categories

NI school annual census data provides a breakdown of FSM entitlement on gender, religion, ethnicity, special educational needs and age. The number of pupils eligible to FSM and impact of the threshold introduced will be reviewed annually during the phasing period. This will include close monitoring of claims, by the Education Authority (EA) and Department, from families earning around the £14,000 threshold.

8. DISABILITY DISCRIMINATION

8.1 Please state if the policy/decision in any way discourages persons with disabilities from participating in public life or fails to promote positive attitudes towards persons with disabilities.

Not applicable.

8.2 Please state if there is an opportunity to better promote positive attitudes towards persons with disabilities or encourage participation in public life by making changes to the policy/decision or introducing additional measures.

Not applicable.

8.3 Please detail what data you will collect in the future in order to monitor the effect of the policy with reference to the disability duties.

Not applicable.

9. CONSIDERATION OF HUMAN RIGHTS ISSUES

9.1 How does the policy/decision affect anyone's Human Rights?

The Human Rights Act (1998)	Neutral Impact
The United Nations Convention on the Rights of the Child (UNCRC)	Neutral Impact
The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)	Neutral Impact
The United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	Neutral Impact

9.2 If you have identified a negative impact who is affected and how?

Not applicable.

9.3 Outline any actions which could be taken to promote or raise awareness of human rights or to ensure compliance with the legislation in relation to the policy/decision.

Not applicable.

10. CONSIDERATION OF RURAL IMPACTS

Guidance on Rural Impact Assessment can be found in: [Thinking Rural: The Essential Guide to Rural Proofing](#). As adverse differential impacts cannot be reliably be identified for any particular

Section 75 category using the DfC model provided to identify the option to broadly maintain numbers and costs, a reliable assessment of rural impacts cannot be made at this stage.

10.1 Is there potentially a direct, or indirect, impact on rural areas?

No

10.2 If YES please attach a DARD Rural Issues Statement Pro-forma
(The Pro-forma can be found in TRIM Document DE1/14/117152)

11. APPROVAL AND AUTHORISATION

Screened by:	Position	Date
Nicola Adams	Deputy Principal / Transport and Schools Meals Team	20 June 2017
Approved by:	Position	Date
Jonathan Boyd	Head of Transport and Schools Meals Team	20 June 2017
Review and update approved by:	Position	Date
Margaret Rose McNaughton	Director of Children and Young People's Services	19 July 2017

FOR COMPLETION BY EQUALITY TEAM

Screening Decision	Agreed	
Quality Assured by:	Richard Magowan	20/06/17
Click here to enter comments.		
Date Directorate/Team Informed:	20/06/17	

FOR COMPLETION BY POLICY TEAM

TRIM Ref No.	ED1/17/108825
Date screening form placed on Internet by policy team	07/08/17
Date email sent to S75 Consultees by policy team	To be arranged with Equality Team.