



Briefing 18-13 March 2018

Amendments to the eligibility criteria for free school meals.

To: England
For info: Contacts from Scotland, Wales and Northern Ireland.

Key Issues

In November 2017, the Government launched a consultation regarding the eligibility criteria for free school meals under Universal Credit.

Resulting from the consultation, Regulations were made on 6 February 2018 to amend the eligibility criteria for free school meals.

Introduction

On 6 February 2018, the Government made Regulations that amended the eligibility for free school meals, which was followed on the 13 March 2018 by a debate on motions seeking to annul four regulations relating to Universal Credit including the Free School Lunches and Milk, and School and Early Years Finance (Amendments Relating to Universal Credit) (England) Regulations 2018 (SI 2018/148).

This briefing provides an overview of the amended regulations.

Background

The Regulations make provisions relating to the entitlement to free school meals (FSM and the Early Years Pupil Premium (EYPP) in the context of the roll out of Universal Credit. Currently, there are interim arrangements in place that have entitled all families in receipt of Universal Credit to free school meals.

As the current arrangements are in place on an interim basis, the Government conducted a consultation on proposals to amend the eligibility criteria. Details of the consultation and the Government's response were outlined in recent APSE Briefings: -

- [Briefing 17-49 December 2017 Eligibility for free school meals and the early years pupil premium under Universal Credit.](#)

- [Briefing 18/10 March 2018 Eligibility for free school meals and the early years pupil premium under Universal Credit – Government consultation response](#)

Amendment to the Regulations.

The Regulations amend the eligibility criteria for Free School Meals and Early Years Pupil Premium by introducing an income threshold for Universal Credit claimants. The net household earned income threshold (excluding benefits) has been set at £7,400 for England.

The amendments were passed by Parliament and will come into force on 1 April 2018.

Transitional Arrangements

The income threshold will apply to new claimants from April 2018. In addition, to introducing the threshold, transitional protections have been put in place in respect of existing Universal Credit claimants. The details of the transitional arrangements were outlined in the consultation on the changes and are as follows: -

- **From April 2018, all existing claimants should continue to receive free school meals whilst Universal Credit is rolled out [the commencement order sets the date as 31 March 2022, the current expected end date of UC rollout]. This will apply even if their earnings rise above the new threshold during that time.**
- **In addition, any child gaining free school meals eligibility after the threshold has been introduced should be protected against losing free school meals during the Universal Credit rollout period.**
- **No further eligibility checks would be required for protected families during this period; schools would simply leave these pupils flagged as protected pupils in their management information systems.**
- **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) would continue to receive protection until the end of their current phase of education (e.g. primary, secondary).**

In introducing the new arrangements, the Government has stated that they estimate that under the new arrangements, once Universal Credit is fully rolled out, an extra 50,000 children will become eligible for free school meals compared to the current number of claimants.

The amendments passed do not impact on the current arrangements for Universal Infant Free School Meals.

APSE COMMENT

The introduction of Universal Credit presented an opportunity to review the options for introducing an auto enroll system, that could negate the need for applying for the benefit and reduce some of the stigma associated with applying. The Government's consultation response acknowledges that respondents raised this as an issue, but the preferred action is to promote the current arrangements and continue to monitor the impact which does not address the current issues.

In the absence of an auto-enrollment system APSE would welcome research into the eligibility uptake in different areas to identify best practice examples and identify areas that require additional support to increase uptake.

On a final point, APSE would like to see the government invest in the future generation by providing a free school meal to every primary school pupil because providing a healthy lunchtime meal not only helps families that are in poverty but will contribute to saving resources and expenditure on obesity related conditions in the future.

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