

# Free school meals

## Guidance for local authorities, maintained schools, academies and free schools April 2018

*Excerpts*

### Updated eligibility criteria under Universal Credit

The Government is simplifying the welfare system by gradually replacing a number of income-related benefits with Universal Credit.

This means that a number of the legacy benefits that previously entitled families to free school meals are being phased out and will cease to exist. As a temporary measure, Universal Credit was added to the list of qualifying benefits for free school meals in 2013, pending the introduction of new eligibility criteria. The temporary criteria were designed to ensure that families moving onto Universal Credit in the early stages of rollout did not lose their entitlement to free school meals.

The Department has now made amendments to the eligibility criteria for free school meals to reflect the introduction of Universal Credit. These new criteria will come into force on 1 April 2018.

Section 512 of the Education Act 1996, as amended, places a duty on maintained schools, academies and free schools to provide free school meals to pupils of all ages that meet the criteria.

### Who is eligible for free school meals?

Free school meals are available to pupils in receipt of, or whose parents are in receipt of, one or more of the following benefits:

- Universal Credit (provided you have an annual net earned income of no more than £7,400, as assessed by earnings from up to three of your most recent assessment periods)
- Income Support
- Income-based Jobseeker's Allowance
- Income-related Employment and Support Allowance
- Support under Part VI of the Immigration and Asylum Act 1999
- The guarantee element of Pension Credit
- Child Tax Credit (provided you're 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 four weeks after you stop qualifying for Working Tax Credit

In addition, the following pupils will be protected against losing their free school meals as follows:

- From 1 April 2018, all existing free school meals 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 1 April 2018 will be protected against losing free school meals during the Universal Credit rollout 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 or are no longer a recipient of Universal Credit) will continue to receive free school meals until the end of their current phase of education (i.e. primary or secondary).

The Universal Credit rollout is currently expected to complete in March 2022.

A pupil is only eligible to receive a free school meal when a claim for the meal has been made on their behalf, and their eligibility has been verified by the school where they are enrolled or by the local authority.

## **Assessment of earnings for Universal Credit recipients**

Applicants for free school meals who are in receipt of Universal Credit must have an equivalent annual net earned income of no more than £7,400 in order to be eligible for free school meals.

The monthly checking arrangements outlined below are designed to take into account claimants whose earnings may fluctuate on a monthly basis.

- Firstly, a Universal Credit claimant will be checked for monthly net earned income not exceeding £616.67 (a twelfth of an equivalent yearly income of £7,400) in their most recent Universal Credit assessment period. If they meet this criterion, they are eligible for free school meals and no further checks are necessary;
- If their earned income exceeds the above threshold for their most recent Universal Credit assessment period, the claimant will be checked for net earned income not exceeding £1,233.34 (a sixth of an equivalent yearly income of £7,400) in their two most recent assessment Universal Credit assessment periods, provided there are two such assessment periods. If they meet this criterion, they are eligible for free school meals and no further checks are necessary;
- If their earned income exceeds the above threshold for their two most recent Universal Credit assessment periods, the claimant will be checked for net earned income not exceeding £1,850 (a quarter of an equivalent yearly income of £7,400) in their three most recent Universal Credit assessment periods, provided there are three such assessment periods. If they meet this criterion, they are eligible for free school meals.
- If Universal Credit recipients do not meet any of these criteria, they will be ineligible for free school meals.

Only complete assessment periods will be checked.

A manual check will be required to determine eligibility for self-employed Universal Credit claimants. These claimants will need to provide evidence that:

- They are in receipt of Universal Credit, by providing their Universal Credit award letter;
- They are self-employed, by providing a copy of their company registration or tax return form;

- Their monthly net earnings do not exceed the threshold as set out above. Schools should request that self-employed claimants complete the self-declaration attached at Annex C and, once satisfied that they are eligible, provide free school meals to their child/children.

If a parent feels that the result returned by the checking process is inaccurate, they may provide the equivalent paper-based evidence to their local authority who must then complete a manual check.

- For Universal Credit recipients, this check should assess the earned income from the months provided against the thresholds stated above for the relevant assessment periods.
- For recipients of other benefits, the check should assess whether the claimant is currently in receipt of the stated benefit and, in the case of Child Tax Credit, that their annual gross income is no more than £16,190.

Applicants must provide appropriate paper based evidence from the list below. Local authorities can award free school meals if they are satisfied that the paper based evidence demonstrates that the eligibility criteria are met. Evidence should be retained for audit purposes.

### **Paper-based evidence**

There may be instances when parents need to submit paper-based evidence in support of their free school meals claim. This may be especially relevant for families claiming under income-based benefits, or when they are unable to submit information through the online Universal Credit system.

For families that might be eligible for free school meals under Universal Credit, applicants should provide:

- a copy of their Universal Credit award statement (from their most recent assessment period(s)—going back a maximum of three assessment periods).

The three relevant Universal Credit assessment periods would be the three complete assessment periods which immediately preceded the date on which the parent requests free school meals.

For families that are eligible for free school meals under Child Tax Credit or a legacy benefit, applicants should provide:

- a letter from Jobcentre Plus confirming eligibility or Income Support payment book;
- a Tax Credit Award Notice (TC602) from HM Revenue & Customs.

For families that are eligible for free school meals under Part VI of the Immigration and Asylum Act 1999 or the guarantee element of the Pension Credit, applicants should provide:

- a letter from the Asylum Seekers Team or the National Asylum Support Service (Home Office) (NASS) stating that they are receiving support under Part VI of the Immigration and Asylum Act 1999;
- a 'Pension Credit M1000 Award Notice' clearly showing details of any Guarantee Pension Credit in payment.