

# FREE SCHOOL MEALS IN WALES: INFORMATION FOR PARENTS AND GUARDIANS



This leaflet sets out questions which we anticipate parents may wish to ask following the Welsh Government's introduction of an annualised net earned income threshold of £7,400 for Universal Credit claimants who wish to claim free school meals for their children.

## Which pupils are able to receive free school meals?

Free school meals are available to eligible pupils who attend school full-time. This includes:

- Younger children who attend nursery for full days
- Sixth form school pupils

Your child may be able to get free school meals if you get any of the following:

- Income Support
- Income-based Jobseeker's Allowance
- Income-related Employment and Support Allowance
- Support under Part VI of the Immigration and Asylum Act 1999
- 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 4 weeks after you stop qualifying for Working Tax Credit
- to 31 March 2019, Universal Credit <sup>1</sup>
- from 1 April 2019, Universal Credit - provided your household has an annualised net earned income<sup>2</sup> of no more than £7,400 ( as assessed by earnings from up to three of your most recent assessment periods)

If your children receive Income-related Employment and Support Allowance, Income Support or Income-based Jobseeker's Allowance in their own right, they could also be able to receive free school meals.

For children/young people to be eligible to receive free school meals:

- you, as a parent, or your child, must receive the relevant benefit or support payment
- you should have submitted an application for free school meals to the local authority (or an application should have been submitted on your behalf)

<sup>1</sup> This was done as a temporary measure, pending the development of new eligibility criteria.

<sup>2</sup> Net earned income is defined as household income after taxes and deductions. It does not include income from Universal Credit or other benefits.

- the application should have been approved by the local authority, or documents should have been seen by the local authority which strongly indicate your child is eligible.

### **What about colleges of further education?**

Free school meals are not available for students in further education colleges.

You or your child could contact the Student Support Officer for the college, to ask if any help with the cost of meals is available.

### **What if my child is a pupil at a private school?**

Local authorities are legally bound to provide free school meals to eligible pupils attending maintained schools only. This means that you cannot claim free school meals for your child if they are a pupil at a private or independent school.

Independent schools in Wales are run by either independent companies or charities. If your child has obtained a scholarship or bursary, you should check whether this funding includes an allocation for free school meals.

If it does not, you then need to establish whether further financial assistance is available by contacting the body which awarded the child's scholarship, or by contacting the school directly.

### **How do I apply for free school meals?**

The easiest way is to apply on line. Most local authority websites have an on line application form. Alternatively, get in touch with your local authority or your child's school.

You, or your child, could also ask someone to act on your behalf to submit an application for free school meals.

### **If my local authority knows I receive a relevant benefit or support payment, can the local authority register my child for free school meals without me submitting an application for free school meals?**

No. A pupil cannot be registered as eligible for free school meals and free school meals cannot be awarded automatically without a request being made by, or on behalf of the parent or pupil. (A person acting on behalf of the parent or pupil would normally be a relative or friend, or someone working on their behalf to help them access all benefits they may be entitled to, for example, a representative from the Citizens Advice Bureau).

Some local authorities will contact a parent/carer to ask them if they would like to apply for free school meals for their child(ren) if they think they might be eligible, but you should not rely on this happening.

## **If I make a claim, how is my eligibility for free school meals checked?**

The Department for Education in England has developed an on-line electronic checking system (ECS) which allows a person's eligibility to be checked using their date of birth and national insurance number. For parents who receive support under Part VI of the Immigration and Asylum Act 1999, the National Asylum Support Service (NASS) number is used to check eligibility. The Welsh Government pays for local authorities in Wales to use this system.

The ECS can be used successfully in most cases. Where it can be used, parents do not need to provide proof of benefit entitlement and/or earnings.

Where the ECS cannot be used, you may be asked to provide proof of the benefit you receive and/or earnings.

## **What is "Transitional Protection"?**

On 1 April 2019, the Welsh Government introduced new rules for claiming free school meals. Because of this, a relatively small number of children and young people could have lost their eligibility for free school meals. "Transitional protection" was introduced to ensure that these children and young people continue to receive free school meals for a limited period of time.

Transitional protection can be summarised as follows:

- Any child or young person who was eligible for free school meals on 1 April 2019, when the new rules were introduced, will continue to be eligible until 31 December 2023<sup>3</sup>, even if their circumstances change and they would otherwise have ceased to be eligible.
- Any child or young person who becomes eligible for free school meals between 1 April 2019, when the new rules were introduced, and 31 December 2023, will continue to be eligible until 31 December 2023, even if their circumstances change and they would otherwise have ceased to be eligible.
- Any child or young person who is eligible for free school meals on 31 December 2023 will continue to be eligible until the end of their current school phase (i.e. until they finish in the phase they are in on 31 December 2023, either primary education or secondary education). This applies even if their circumstances change and they would otherwise have ceased to be eligible.
- Transitional protection will not be extended to claimants who are not on Universal Credit or legacy benefits, and are therefore unaffected by the change in free school meals eligibility criteria.

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<sup>3</sup> This is the point by which the Department for Work and Pensions expects Universal Credit to be fully rolled out, and is based on the most up-to-date expectations at the time of writing.

## **I have been told that one of my children is able to receive free school meals and the other one is not. Why is this?**

This is likely to be because one of your children is “transitionally protected” (see the section before this one on “Transitional Protection”) and the other one isn’t.

Transitional protection applies to the child or young person as opposed to the family. It is possible that within one family some children will be able to get free school meals because of transitional protection and some won’t.

## **What are the rules around Working Tax Credits?**

Families who receive Working Tax Credit are not entitled to free school meals. However, families who receive the Working Tax Credit run-on - paid for 4 weeks after a claimant stops qualifying for Working Tax Credit - would be entitled to free school meals providing they meet the remaining eligibility criteria.

## **I work and I also get Universal Credit, so I want to claim free school meals for my child(ren). How do I know if I am earning more than £7,400 a year?**

If you are working and you also get Universal Credit, and want to claim free school meals for your child(ren), you may not know whether your earnings are more than £7,400 a year. When you make your claim for free school meals, your local authority will check your eligibility using the eligibility checking system. In most cases, the eligibility checking system will work out whether your earnings are below £7,400 a year and if you are eligible to claim free school meals for your child(ren).

In other cases, the local authority will need to ask you to provide proof of earnings and will work out if your earnings are more than £7,400 a year or £616.77 per month (i.e. £7,400 divided by 12). If your earnings are too high, you will not be able to claim free school meals for your child(ren) (although you can apply again if your earnings should drop).

## **With regard to the £7,400 a year threshold, won’t most people have an income which is higher than this?**

The £7,400 threshold relates to net earned income, defined as household income after taxes and deductions. Net income from employment earnings would be taken into account. It does not include income from Universal Credit or other benefits.

## **What happens if our family has a change of personal circumstance?**

Changes in circumstances can affect your benefits payments and you should notify the Department for Work and Pensions or your local Job Centre Plus immediately. This includes a change in:

- relationship status

- child care costs
- working hours
- income levels
- the young person's circumstances
- whether you are leaving the UK for more than eight weeks

If your family ceases to receive the benefit that has allowed you to claim free school meals for your children, you must notify your local authority of the change in your circumstances.

### **We live in one local authority area but my child attends a school in a neighbouring local authority. Which local authority is responsible for my child's free school meals?**

The authority in which the pupil attends the school, not where the pupil resides, is responsible for:

- providing the free school meal
- assessing the eligibility of a claimant.

### **What is the definition of a 'parent' for free school meal purposes?**

The definition of 'parent' is set out in section 576 of the Education Act 1996. It includes any person who has care of the child. Foster parents are also included. The child does not have to be living with the parent who qualifies for free school meals.

### **What happens when a child/young person is being fostered?**

Free school meal legislation allows foster parents to claim free school meals. As long as a parent is eligible to claim free school meals, the child can get them. A child could potentially have four parents; two foster parents and two natural parents.

If any one of these four parents meets the criteria, then their child is eligible for free school meals. This would equally apply if the child was being cared for by grandparents or other family members.

However, some foster parents are paid an allowance, which includes covering the cost of school meals. The foster parent and local authority may want to come to an agreement about how this works with regard to free school meals. The child could have the free school meal and the element of the allowance in respect of school meals wouldn't be paid to the foster parent.

Alternatively, the foster parent could agree not to claim the free school meal and be paid the full allowance. This is something which needs to be resolved between the authority and the foster parent.