

## **What are the eligibility criteria for free school meals?**

Children whose parents receive the following support payments are entitled to receive free school meals in maintained schools in Wales:

Income Support

Income Based Jobseekers Allowance

Support under Part VI of the Immigration and Asylum Act 1999

Income-related Employment and Support Allowance

Child Tax Credit, provided they are not entitled to Working Tax Credit and their annual income does not exceed £16,190. (HM Revenue and Customs are responsible for assessing the level of annual income.)

Guarantee element of State Pension Credit.

Working Tax Credit 'run-on' - the payment someone may receive for a further four weeks after they stop qualifying for Working Tax Credit.

Universal Credit

Young people who receive Income Related Employment and Support Allowance, Universal Credit, Income Support or Income Based Job Seekers Allowance in their own right may also be eligible to receive free school meals.

## **Who is entitled to Free School Meals?**

Free school meals are awarded where the parent or pupil meets the eligibility criteria and a request has been made by, or on behalf of the parent or pupil for free school meals. (A person acting on behalf of the parent or pupil would normally be a relative or friend, or someone working with/on behalf of a family to help them access all benefits they may be entitled to, for example, a representative from the Citizens Advice Bureau).

## **What age must a child/young person be to receive free school meals?**

Free school meals are available to any full-time pupil who is still at school and eligible. This includes nursery children who attend full days and also sixth form students.

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

Further Education students from low income households should contact the Student Support Officer at the Institution attended as help with the cost of meals might be available.

## **How does a parent apply for free school meals for their child?**

The parent can collect a form from the child's school or contact their local authority.

## **Can a local authority register a pupil for free school meals, whose parent/carer is known to be eligible, without a request having been made?**

Free school meal eligibility cannot be awarded for a pupil without a request for free school meals having been made by, or on behalf of the parent or pupil. A local authority may contact a parent/carer to ask them if they would like to apply for free school meals for their child(ren).

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

Families that receive Working Tax Credit are not entitled to free school meals. With effect from 6 April 2012, the rules around Working Tax Credit have changed. For couples with at least one child, to qualify for working tax credit their joint working hours will need to be at least 24 hours a week.

This means:

- if both parents work their joint weekly hours must be at least 24, with one parent working at least 16 hours a week

- if only one parent works, that person must be working at least 24 hours a week

- single parents will continue to qualify for Working Tax Credit if they work at least 16 hours a week.

Working Tax Credit remains the responsibility of Her Majesty's Revenue and Customs (HMRC). Entitlement is assessed against a number of criteria including the number of child dependants, a claimant's age and annual income.

For further information on Working Tax Credit, please refer to HMRC's website.

Entitlement to working tax credits acts as the passport to many benefits. A claimant may feel that their entitlement to Working Tax Credit leaves them at a financial disadvantage. In this case, they should visit their local Job Centre Plus to determine whether they are in receipt of the most appropriate financial support.

## **When a parent receives Child Tax Credit, how do they know whether their family's annual income is less than £16,190?**

When calculating entitlement to tax credits, HM Revenue and Customs (HMRC) look at a family's "taxable earnings". Some benefits, such as incapacity benefit, are considered to be a taxable income. Most benefits, including all of those leading to entitlement to free school meals, are non-taxable.

Therefore the non-taxable benefits are not considered when determining if an applicant is under the 'income' threshold of £16,190. HMRC's website explains in more detail which benefits are considered taxable income and which are nontaxable.

Changes to HMRC's rules mean that from 6 April 2012, where a family's income decreases during the year, HMRC will ignore the first £2,500 of the reduction in calculating annual income for tax credit purposes.

This means, for example, that if a family with an income of £18,000 has a salary reduction of £3000 to £15,000, HMRC will ignore the first £2500 and so will use a 'derived' income of £17,500 for the remainder of the tax year. The family's 'annual income' of £15,000 will be changed in the following tax year.

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

Where there is a change in personal circumstances of a family they must advise HM Revenue and Customs immediately.

This includes a change in:

- relationship status

- child care costs

- working hours

- income levels

- the young person's circumstances

- whether a parent is leaving the UK for more than eight weeks.

On notification of a change in circumstances HMRC will decide whether a reassessment of tax credit, or income, is appropriate. If it is, HMRC will issue a revised award notice. This could lead to a change in eligibility in free school meals.

Where a family ceases to receive the support payment that has allowed them to claim FSM for their child(ren), the family should notify the local authority of the change in their circumstances.

### **How is eligibility for free school meals checked?**

The Welsh Government has made available to all local authorities in Wales, an online electronic eligibility checking system (ECS). Where the system is in use claimants do not need to provide proof of benefit entitlement. The system allows a claimant's eligibility to be checked using a date of birth and national insurance number.

Where the ECS is not used, the claimant will need to provide proof of benefits and renew their claim annually.

### **How does a parent renew their claim for free school meals for their child?**

Where a local authority utilises the eligibility checking system, checks can be undertaken to check a claimant's ongoing entitlement. This eliminates the need for a claimant to reapply annually. It is for local authorities to determine how often they should carry out checks to determine whether a claimant is still entitled to free school meals for his/her child(ren).

Where the eligibility checking system is not in use claimants will be required to reapply annually. Reapplication is usually assessed in line with the start of the new academic year.

### **A child/young person may live in one local authority area but attend a school in a neighbouring authority. Which local authority is then responsible for the free school meal?**

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 happens when a child/young person moves to a school in another local authority area?**

When a child/young person, who has been entitled to free school meals in one local authority area, moves to a school in another local authority area, the entitlement to free school meals does not automatically transfer with the child/young person. If they are eligible, the parent/carer should make an application for free school meals to the second local authority where their child is now based.

### **A parent may meet the eligibility criteria but their child attends a private school. Is the local authority then required to provide funding for free school meals?**

No. Legislation stipulates that local authorities should provide free school meals to eligible pupils attending maintained schools.

Independent schools in Wales are run by either independent companies or charities. If a child/young person has obtained a scholarship or bursary the parent should first check whether this funding includes an allocation for free school meals.

If it does not, the parent then needs to establish whether further financial assistance is available by contacting the:

scholarship awarding body

school.

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

The definition of 'parent' in section 576 of the Education Act 1996 includes any person who has care of the child. This includes foster parents. The child does not have to be living with the parent who qualifies for free school meals.

There is no discretion on the part of the local authority; if a parent satisfies the criteria, the child is entitled. A free school meal must then be provided.

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 receiving an eligible benefit, then their child is eligible for free school meals. 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, there is confusion around foster parents who 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 this. 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.

### **If, as a parent, I am in receipt of Universal Credit am I able to claim free school meals for my child(ren)?**

Yes. From 6 September 2013 the Welsh Government is extending eligibility for Free School Meals to children in families where a parent receives Universal Credit. However, this may change. The eligibility criteria for free school meals will be reviewed and revised as Universal Credit is rolled out and replaces existing benefits.

## **What is the impact of the UK Government's Welfare Reform agenda on eligibility for free school meals?**

The UK Government's Welfare Reform agenda means that new criteria to determine eligibility for free school meals will be needed, as the majority of benefits which currently act as a 'passport' to receiving free school meals will no longer exist under Universal Credit.

Universal Credit is being rolled out across the UK between 2013 and 2017. However, there is limited information at present on the detail of the rollout. Once this information is made available, the Welsh Government will be in a position to review and revise the eligibility criteria for Free School Meals.