During the Work and Pensions Select Committee (WPSC) session of 24 January 2017, I committed to come back to you on your questions related to Free School Meals and the Pupil Premium (Q399-400 refers).

You will recall at the session that you wanted to understand how and if Universal Credit data will be used to automatically passport children for the school premium (Pupil Premium) and also, for Free School Meals. It was your understanding that Housing Benefit data was currently used by Local Authorities to do this and that with the introduction of Universal Credit and phasing out of Housing Benefit, Local Authorities would no longer have access to the information needed to allow them to do this.

Following the WPSC, I sought the advice of Department for Education (DfE) colleagues on this issue. They have confirmed that Housing Benefit is not an entitlement benefit for Free School Meals. In England, pupils in maintained schools, academies and free schools are currently entitled to receive Free School Meals if they or their parents or guardians are in receipt of any of the benefits below:

- 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 Credit element of Pension Credit;
- Child Tax Credit, provided they are not also entitled to Working Tax Credit and have an annual gross income of no more than £16,190, as assessed by Her Majesty's Revenue and Customs (HMRC);
• Universal Credit (regardless of income amount, as a temporary measure during the early stages of rollout).

The Government is aware that some local authorities are using Housing Benefit and Council Tax Support claim data to pro-actively identify eligible Free School Meal pupils and understand that some have found this approach can be effective. However, it does not provide a complete or sustainable solution to automatic registration for Free School Meals.

To be eligible for benefits-related Free School Meals, both parts of the qualifying criteria must be met before a pupil is eligible, i.e. the parent or pupil must be in receipt of one of the specified benefits and a request for Free School Meals must be made.

If schools or Local Authorities decide to use other information (such as Housing Benefit information) to award Free School Meals, they should also ensure that both parts of the Free School Meals criteria are fully complied with, and they may also want to ensure that they are complying with relevant legislation, including the Data Protection Act.

The Government wants to make it as simple as possible for schools and Local Authorities to determine eligibility for Free School Meals. We know that take up for Free School Meals is already high – but we want to make sure that as many eligible children as possible are claiming their Free School Meals and that schools receive the additional funding, including the Pupil Premium.

Schools and Local Authorities have worked hard over recent years to encourage all eligible families to register for Free School Meals, ensuring that eligible children are able to receive a free, nutritious meal each day. The DfE already provides schools with a model registration form and guidance and they will continue to look at what the most effective schools do, and highlight and disseminate best practice from these schools and local authorities for other schools to use.

DfE is introducing new eligibility criteria (including earnings thresholds) for Free School Meals/Pupil Premium and the early years education offer in relation to new Universal Credit claimants from 1 April. For the duration of Universal Credit rollout and then for the rest of their current phase of education where appropriate, no family eligible for Free School Meals at the point of change will lose them regardless of whether their circumstances change and their earnings move above the threshold level.

Currently, more than 1.1 million children benefit from Free School Meals, which allows hardworking families to save money. As Universal Credit is rolled out, we will continue to work with the DfE to ensure that the families who need it most will continue to receive this support.

DfE estimates that under its proposals around 50,000 more children would receive Free School Meals in future, thus targeting support more effectively towards a
greater number of families on low incomes. In addition, all infants (Reception to Year 2) in England's state-funded schools, including academies and free schools, who are not in receipt of benefits-related Free School Meals, are entitled to a free meal under the Universal Infant Free School Meals policy, regardless of their household income – meaning a further 1.5m pupils a year getting a free nutritious meal.

I hope you and the Committee have found this information useful. We will write again with more information related to the UC Full Business Case (Q378) and to the review of Universal Support (Q407) when both activities have concluded

Yours Sincerely

Neil Couling
Director General, Universal Credit Programme