



BRIEFING PAPER

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School meals and nutritional standards

By Robert Long

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One page briefing

Nutritional standards are in place for school meals in England, aimed at ensuring that the food provided to pupils in school is nutritious and of high quality, and at promoting good health and eating behaviour amongst pupils. Following an independent review of school food conducted by the founders of Leon restaurants in 2012-13, revised school food standards were produced and have been in force since January 2015.

The standards apply to:

- all local authority maintained schools
- pupil referral units
- academies that opened prior to 2010
- academies and free schools with agreed funding from June 2014
- non-maintained special schools

Academies that opened from 2010 and agreed funding prior to June 2014 are not bound by the standards, although the previous Government stated that almost all of these schools would adhere to the standards voluntarily.

Funding for school meals is provided as part of the Dedicated Schools Grant.

Free school meals are provided for children whose parents receive certain benefits (or who are on those benefits themselves):

- Income Support
- Income-based Jobseekers Allowance
- Income-related Employment and Support Allowance
- Support under Part VI of the *Immigration and Asylum Act 1999*
- The guaranteed element of State 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)
- Working Tax Credit run-on – paid for 4 weeks after a person stops qualifying for Working Tax Credit
- Universal Credit

Free school meals may also be available to pre-school children and those in school sixth forms. Local authorities are responsible for providing free school lunches and applications must be made through the relevant local body.

Since September 2014, free school meals have been provided for all children in Reception, Year 1 and Year 2. Concerns have been raised that, as schools receive Pupil Premium funding for pupils registered for free school meals, this additional provision may reduce schools' funding if parents do not register their children for meals they receive as a matter of course. There were reports in autumn 2015 that this universal provision could be withdrawn as part of the November 2015 Spending Review, but the Review committed to maintain the funding.

This briefing summarises the main recent policy developments regarding school meals, including the revised school food standards and the expansion of free school meals provision.

The briefing relates to England only.

1. Background

Nutritional standards for school dinners were first established in the 1940s in England but were abolished in 1980. Subsequently, the *School Standards and Framework Act 1998* gave the Secretary of State the power to make regulations prescribing nutritional standards and other nutritional requirements for school meals. It also placed a duty on LEAs and the governing bodies of schools maintained by LEAs, when they provide lunches, to provide them for registered pupils in line with the standards. In April 2001, statutory nutritional standards for school lunches were reintroduced by the *Education (Nutritional Standards for School Lunches) Regulations 2000* (since superseded).

Research carried out in 2004 by the then Department for Education and Skills (DfES) and the Food Standards Agency showed that while schools and caterers responded positively to the standards, in practice, children and young people continued to make unhealthy choices. Statistics from the Annual Health Survey for England 2004 showed that the levels of obesity for children had risen over the previous 10 years. Ongoing concerns led to the publication in 2004 of the DfES's guidance, *Healthy Living Blueprint for Schools*, and the Government's white paper, *Choosing Health: Making Healthy Choices Easier*.

In March 2005 the then Labour Government announced a series of measures to improve school meals, which were followed in May 2006 by the announcement of new nutritional standards for school meals. The [*Education \(Nutritional Standards for School Lunches\) \(England\) Regulations 2006*](#) introduced these changes. Over the following years, interim standards for school lunches and other school food (such as in tuck shops and breakfast clubs) were developed and replaced by final standards in September 2009.

The School Food Standards were subsequently further revised under the Coalition Government, with new standards coming into force in January 2015.

2. School Food Standards

2.1 The School Food Plan

In April 2012, the then Education Secretary, Michael Gove, asked John Vincent and Henry Dimbleby, the founders of Leon restaurants, to conduct an independent review of school food. In July 2013, Vincent and Dimbleby published the [School Food Plan](#), which provided a wide range of steps for schools to increase the take-up of school meals, improve the quality of school meals, and take other measures such as teaching pupils about cooking and ingredients.¹

2.2 Revised School Food Standards: since January 2015

Development

The [School Food Plan](#) included proposals for revised food standards, intended to be easier to implement and enforce. The Plan stated that if the new standards were agreed to be effective from a practical and nutritional standpoint, the Secretary of State had agreed to make them mandatory across all types of school.² The Government ran a [consultation](#) on revised standards between March and April 2014.³

In June 2014, the Secretary of State [announced](#) a new set of standards for food served in schools, alongside the Government response to the spring consultation.⁴ The announcement stated that the revised standards were “designed to make it easier for school cooks to create imaginative, flexible and nutritious menus. They will be mandatory in all maintained schools, and new academies and free schools.”⁵

Application

[The Requirements for School Food Regulations 2014](#) provided for the reformed standards. The regulations came into force on 1 January 2015.

The Government published [advice](#) for schools on the new regulations on 8 January 2015. It applies to:

- all local authority maintained schools
- pupil referral units
- academies that opened prior to 2010
- academies and free schools with agreed funding from June 2014
- non-maintained special schools

The School Food Plan website provides a [summary](#) of what should be provided (e.g. one or more portions of fruit every day; a portion of meat or poultry on three or more days each week, or a portion of non-dairy

¹ Department for Education, [The School Food Plan](#), 30 July 2013

² *Ibid.*, p9

³ Department for Education, [Revised standards for food in schools](#) [accessed 2 July 2014]

⁴ Department for Education, [Revised standards for food in schools – Government response](#), 17 June 2014

⁵ Department for Education, [New school food standards](#), 17 June 2014

protein on three or more days each week for vegetarians). A [practical guide](#) is also provided.

Academies that opened from 2010 and agreed funding prior to June 2014 are not bound by these standards, which are not part of their funding agreements. The previous Government said that an overwhelming majority of these schools had told them they would adhere to the standards voluntarily:

John Cryer: To ask the Secretary of State for Education, how many (a) academies and (b) free schools that opened between September 2010 and August 2014 have not voluntarily signed up to the school food standards to date.

David Laws: The Department for Education does not hold this data.

Revised school food standards regulations for local authority maintained schools, academies that opened prior to September 2010 and academies and free schools in England entering into a funding agreement from June 2014 will come into effect on 1 January 2015.

The authors of the School Food Plan are encouraging academies and free schools to commit voluntarily to the new standards. 99% of those academies which responded to a survey by the School Food Trust in 2012 said they were committed to following the new food standards. All academies and free schools signing their funding agreements from spring 2014 are required to adhere to the new, less bureaucratic school food standards.⁶

⁶ [PQ 214314 \[Academies: Food\], 17 November 2014](#)

3. Funding for School Meals

3.1 The School Lunch Grant (2008-11)

The School Lunch Grant was a specific, ring-fenced grant made to local authorities and schools until March 2011. Its aim was to increase the number of children eating healthy school meals by helping schools and councils keep down the price of a school lunch. It could only be used in four ways – to:

- Pay for ingredients for school lunch;
- Pay labour costs of catering staff;
- Buy small pieces of kitchen equipment, for example microwaves, ovens, combi-ovens, mixers etc.;
- Pay for the nutrient analysis software required to assess whether a menu meets the national school lunch standards and the expertise to operate the software.

3.2 Funding for School Meals since April 2011

The Government removed the ring-fence from the funding of school meals after the School Lunch Grant ended in April 2011. The following response to a Parliamentary Question sets out the then Government's position:

Nick Gibb: The funding for schools provided through the school lunch grant has not been abolished, but continues to be available through the Dedicated Schools Grant in 2011-12. This will allow schools to make their own decisions about the use of this funding. This is in line with the Government's drive to devolve responsibility for making decisions about the best use of resources to professionals in schools. Consistent with our philosophy of reducing bureaucracy and increasing the professional autonomy of schools, we have no plans to collect information from individual local authorities of the impact of freeing up resources in this way.⁷

⁷ HC Deb 28 Jun 2011 530 c760-1W

4. Free School Meals

4.1 Eligibility

Parents do not have to pay for school lunches if they receive any of the following:

- Income Support
- Income-based Jobseekers Allowance
- Income-related Employment and Support Allowance
- Support under Part VI of the *Immigration and Asylum Act 1999*
- the guaranteed element of State 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)
- Working Tax Credit run-on – paid for 4 weeks after a person stops qualifying for Working Tax Credit
- Universal Credit

Children who get any of the above benefits in their own right (i.e. they get benefits payments directly, instead of through a parent or guardian) can also get free school meals.

Children under the compulsory school age who are in full-time education may also be able to get free school meals.

Free school meals are available to pupils who attend sixth forms attached to a maintained school, as long as the course of study began before the pupil reached age 18. Pupils who study in sixth form colleges, Further Education colleges or other providers are not entitled to free school meals, although individual colleges may provide them.

Local authorities are responsible for providing free school lunches and applications must be made through the relevant local body.⁸

Free School Meals in Academies and Free Schools

An answer to a Parliamentary Question on 27 June 2011 set out the position on the provision of free school meals in academies and free schools:

Nic Dakin: To ask the Secretary of State for Education whether (a) free schools and (b) academies will be required to provide free meals to eligible post-16 students. [59974]

Mr Gibb: Free schools and academies are governed by a funding agreement with the Secretary of State. The funding agreement provides the framework within which these schools operate and requires free schools and academies to provide free school meals to eligible pupils aged up to 18 years. This requirement also applies to pupils in these institutions who are aged 19 or over, if their course of study began before they attained the age of 18.⁹

⁸ The gov.uk website publishes [up-to-date information on eligibility for free school meals](#).

⁹ HC Deb 27 June 2011 c571W

4.2 Free School Meals for all Reception, Year 1 and Year 2 pupils

Introduction, funding, and advice for schools

Section 106 of the [Children and Families Act 2014](#) makes provision for free school meals to be provided for all pupils in Reception, Year 1 and Year 2. This duty took effect from September 2014 and is applicable for maintained schools, academies and free schools. [Departmental advice](#) is available for schools on fulfilling the new duty, including funding information, most recently revised in July 2015.¹⁰

The policy of universal free school meals for infant pupils was announced by the then Deputy Prime Minister, Nick Clegg, in September 2013.¹¹ Free school meals for all primary school children was a recommendation of the School Food Plan.¹² The [announcement](#) stated:

The government will fund schools in England to provide every child in reception, year 1 and year 2 with a hot, nutritious meal at lunch time. The aim is to improve academic attainment and save families money – over the course of a year the average family spends £437 on school lunches per child.

Universal free school meals for primary school pupils were a key recommendation in a recent review of school food produced independently for the Department for Education. The review found that, in pilots where all children have been given a free school dinner, students were academically months ahead of their peers elsewhere and more likely to eat vegetables at lunchtime instead of less healthy food like crisps.

At the same time, the government will extend free school meals to disadvantaged students in further education and sixth form colleges. Free school meals are currently available only for eligible students at school sixth forms.

Concerns: school funding implications

Concerns were raised during the last Parliament about potential implications of the introduction of universal free school meals for infant children on school funding.

Schools receive Pupil Premium funding for children who qualify for free school meals, and were concerned about missing out on this funding if parents did not register for meals that their children now received as a matter of course. See for instance:

- BBC News, [Free school meals threat to poor pupil funds, say heads](#), 20 March 2014
- Guardian, [Schools policy 'car crash' sows confusion among parents](#), 11 January 2015

In October 2015, the House of Commons Public Accounts Select Committee stated in a [report](#) on Funding for Disadvantaged Pupils that

¹⁰ Department for Education, [UIFSM: guide for local authorities and schools](#) [accessed 13 August 2015]

¹¹ Department of Education, [Free school lunch for every child in infant school](#), 17 September 2013

¹² Department for Education, [The School Food Plan](#), p8-9

problems around the identification of disadvantaged pupils could become more acute with the introduction of Universal Credit:

Universal Credit, which will see five benefits combined into one, means the end of the current basis for determining free school meals and therefore Pupil Premium eligibility. The Department does not yet know how it will identify disadvantaged pupils following Universal Credit's introduction, and there is relatively little time to find an answer. There has also been substantial variation in the level of under-claiming between local authorities. In 2013, in some areas more than 30% of eligible pupils did not take up their free school meals entitlement compared to 0% in other areas. The Department told us that it wanted to target local authorities where under-claiming was high, so that schools do not miss out on funding because parents fail to claim.¹³

An [article](#) discussing the Committee's report on the National Association of Head Teachers' website noted that the NAHT was "in discussions with the Department about how eligible children could be identified through the benefits system and data sharing, rather than by their parents having to come forward."¹⁴

Spending Review 2015: confirmation of continued funding

There were a number of press reports in September 2015 stating that the Chancellor's Spending Review on 25 November 2015 would include the removal of the current provision of free school meals for all children in Reception, Year 1 and Year 2. See, for example:

- Guardian, [Cuts could serve up an end to free healthy school dinners for infants](#), 1 September 2015
- Independent, [Free school meals for infants 'set to be scrapped' under Osborne's spending review](#), 20 September 2015

An [article](#) in the Guardian on 20 September stated that Labour were opposed to the removal of the provision.¹⁵

A [petition](#) against the potential removal on the Parliamentary website had at the time of writing attracted over 40,000 signatures. The Government had responded to the petition, stating:

The Government is currently conducting a Spending Review across all its programmes. Therefore, every policy across Whitehall is being reviewed as part of this process and no decisions have yet been taken.¹⁶

Sharon Hodgson raised the issue with the Prime Minister on 28 October 2015. The Prime Minister responded that the Government would be keeping the policy:

¹³ House of Commons Public Affairs Select Committee, [Funding for Disadvantaged Pupils](#), 9 October 2015, HC 327 2015-16, conclusions and recommendations para 5

¹⁴ National Association of Head Teachers, [MPs weigh into fairer funding debate](#), 9 October 2015

¹⁵ Guardian, [Labour warns children would go hungry if universal free meals scrapped](#), 20 September 2015

¹⁶ UK Government and Parliament Petitions, [Keep Universal Infant Free School Meals in England](#) [accessed 13 October 2015]

The Prime Minister: I am immensely proud that it was a Government I led that introduced that policy... I am proud of what we have done, and we will be keeping it.¹⁷

The Chancellor's [Spending Review](#) in November 2015 included confirmation that funding for universal infant free school meals would be maintained.¹⁸

4.3 Free School Meals Pilot 2009-2011

In September 2008 the then Labour Government announced a free school meals pilot for primary school children in deprived areas. The trial was designed to investigate whether free meals for all primary school children in a deprived area would raise academic and behavioural standards, and reduce obesity and improve health generally. An [evaluation](#) of the pilot, which was carried out in Newham and Durham, was published in July 2012.¹⁹

¹⁷ [HC Deb 28 Oct 2015 c342](#)

¹⁸ HM Treasury, [Spending Review and Autumn Statement 2015](#), November 2015, para 1.164, p44

¹⁹ Department for Education, [Evaluation of the free school meals pilot: impact report](#), 26 July 2012

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