



Free school meals for students in post-16 education

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Due to an 'anomaly' in legislation free school meals are not available to students over 16 years of age studying in further education colleges and sixth form colleges; free school meals are however available for similarly disadvantaged students in sixth forms in schools, academies, free schools and university technical colleges. This note gives an overview of this issue; it explains how this situation has arisen, gives current debate and refers to the Association of Colleges campaign in this area.

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1 Free school meals in post – 16 education

Free school meals (FSMs) are available to post-16 pupils in school sixth forms, academies, free schools and university technical colleges,¹ but not to pupils studying in FE colleges or sixth form colleges.

The different treatment of students in schools and colleges is the result of the legislation governing FSMs. The provisions on FSMs are set out in the [Education Act 1996](#) (section 512, and section 512ZB), this Act states that FSMs may be provided for students in *schools maintained by the local authority*; in the legislation the definition of secondary education includes students over compulsory school age but *under the age of 19*. FE colleges and sixth form colleges however are established as independent corporations and as such they fall outside the provisions.

1.1 Rationale for the FSMs policy

The issue of FSMs in FE was discussed in a report by the Education Select Committee in 2011, [Participation by 16-19 year olds in education and training](#) para 117-119:

Free school meals

117. Free school meals are available to pupils in a school sixth form but not to pupils studying in further education or sixth form colleges. The Department "has registered concern" over this "but currently has no plans to extend free school meal eligibility".[\[201\]](#)

118. We asked witnesses whether they could discern any logic behind this distinction. Martin Doel, Chief Executive of the Association of Colleges said "None whatever", and Martin Ward, Deputy General Secretary of the Association of School and College Leaders replied "No. It makes no sense at all" and suggested that it was an unintended consequence of the profusion of different types of school and college. Mark Corney, a consultant and author,[\[202\]](#) said simply that it was "a scandal. Either you level down or you level up".[\[203\]](#) Mr Doel, referring to a suggestion by the Secretary of State that not all colleges had canteens where they could offer free school meals,[\[204\]](#) said:

Our sense ... is that all colleges would make provision for those students to make use of free school meals within their estate. Some of them will not currently have a dining room as you would have in an 11 to 16 school or a

¹ Information from Association of Colleges website at [No free lunch?](#)

sixth-form college, but every college we have asked says that if that provision was made they would make it available.[205]

We note that only "a majority" of the free schools intending to open in September 2011 will have catering facilities.[206]

119. We asked Lord Hill, the Minister with responsibility for school funding, whether the Department planned to extend eligibility for free school meals to 16 to 18 year olds studying at colleges. He replied:

It will be the same principle for the new fund. Whether it is transport or helping with food, that would be at the discretion of the school or college. That reflects in part the fact that the landscape and what young people are doing post-16 is quite different from what they are doing pre-16. They are working in different places; they travel; they arrive; they might be doing an apprenticeship; they might be at work. The universal approach to all in the cohort saying, "This is the entitlement you get" does not fit as comfortably with one model post-16 as it does pre-16.[207]

We do not find this argument convincing. Eligibility for free school meals reflects household income, and it seems wholly unfair that young people from equally deprived backgrounds should have unequal access to financial support or to support in kind, purely because of where they have chosen to study. **There is no logic in making free school meals available to 16-18 year olds in schools but not in colleges, and, while we recognise that the financial implications would make an early change of policy difficult, we recommend that parity of eligibility should be the medium to long-term aim.**

The report [Government response to the Education Select Committee report into Participation by 16-19 year olds in education and training](#) included the government's response to the select committee's recommendations in para 18:

19. There is no logic in making free school meals available to 16-18 year olds in schools but not in colleges, and, while we recognise that the financial implications would make an early change of policy difficult, we recommend that parity of eligibility should be the medium to long-term aim. (Paragraph 119)

We recognise that this is an anomaly, and welcome the Committee's recognition of the challenging financial context. The introduction of **16-19 Bursaries** aims to provide students with the support they need, whether it be for transport, meals or equipment. This funding will enable schools, colleges and training providers to target support towards those young people facing the greatest financial barriers to participation. Providers can then decide whether to provide subsidised meals in college or give young people a bursary that allows them to pay for food outside of college.

We will consider the need for support for meals again when we review financial support arrangements for 16-19 year olds as we move towards raising the participation age.

Last year a debate on FSMs for post – 16 students was held in Westminster Hall on 13 June 2012, [Free School Meals \(Colleges\)](#), during the debate the Minister outlined the government's position on the issue and gave a commitment to keep the matter under review:

The Minister of State, Department for Education (Mr Nick Gibb): The Association of Colleges is campaigning for the provision of free meals to be extended to all eligible FE students between 16 and 18. It estimates that it would cost £38 million to do so, although our own estimate is that it would cost significantly more than that. I

sympathise with the arguments of my hon. Friends the Members for Harlow (Robert Halfon), for Gosport (Caroline Dinéage) and for Redcar (Ian Swales), which they made well in their passionate contributions to the debate. Although the sums that I have just quoted may seem small compared with the overall education budget, in the current fiscal climate it would be genuinely difficult to increase spending by between £35 million and £70 million, however desirable it would be to extend free school meals to students at sixth-form and FE colleges. Of course, we keep the matter under review and I will discuss the arguments that have been made today with my ministerial colleagues. That is the commitment that I give to the right hon. Member for Birkenhead. ([HC Deb 13 June 2012 c94W](#)).

2 Free School Meals (Children over the age of 16) Bill

On 6 November 2012 a Private Member's Bill *Free School Meals (Children over the age of 16) Bill*² was presented under the ten minute rule procedure³, the bill was sponsored by Nic Dakin MP. The Bill makes provision to introduce free school meal arrangements for children over the age of 16 who attend colleges, to bring them into line with arrangements for children who attend schools, academies and free schools. The Bill received cross party support and was ordered to be brought in by several MPs: Mr David Blunkett, Sir Roger Gale, Sir Bob Russell, Caroline Lucas, Angela Smith, Caroline Dinéage, Mr David Ward, Jim Shannon, Yvonne Fovargue, Robert Halfon and Ian Swales.

The first reading of the Bill is available at [HC Deb 6 November 2012 c751](#) and the Bill is scheduled for second reading on 2 February 2013. The progress of the bill can be followed on the Parliamentary website at [Free School Meals \(Children over the age of 16\) Bill 2012-13](#)

3 Association of Colleges (AOC) campaign

In March 2012 the Association of Colleges launched a campaign [No free lunch?](#) the campaign aims to end the discrepancy between provision of FSMs in schools and colleges and calls for the government to extend free meals to all 16-18 year olds from disadvantaged backgrounds wherever they are studying. The AOC views the current position as unfair and a barrier to participation. The campaign website gives the following statistics on FSMs:

Key statistics

- 103,000 students are missing out on a free lunch each year.
- That is 20 million lunches a year.
- Estimated cost of extending this provision: £38 million
- There are 3 times as many students at Colleges eligible for a free meal than at maintained school sixth forms.
- Colleges educate almost double the number of 16-18 year olds compared to maintained school sixth forms.
- 79% of Colleges agree that free meals in colleges for 16-18 year olds would encourage participation.

² *Free School Meals (Children over the age of 16) Bill* (HC Bill 87)

³ An explanation of this procedure is given on the [Bill's webpage](#) 'This allows an MP to make his or her case for a new bill in a speech lasting up to ten minutes. An opposing speech may also be made before the House decides whether or not the bill should be introduced. If the MP is successful the bill is taken to have had its first reading'.

4 Parliamentary debate

The issue of FSMs in colleges has been raised in a large number of PQs, below are a selection:

Free School Meals: Further Education

Mr Frank Field: To ask the Secretary of State for Education if he will bring forward proposals to introduce free school meals for disadvantaged 16 to 18-year-olds in further education and sixth-form colleges. [119202]

Alan Johnson: To ask the Secretary of State for Education what plans he has to introduce free school meals for disadvantaged 16 to 18-year-olds in further education and sixth-form colleges. [119997]

Mr Laws:*[holding answers 5 and 7 September 2012]:* As the hon. Member for Bognor Regis and Littlehampton (Mr Gibb) said in the recent debate on this issue on 13 June 2012, *Official Report*, column 94WH, we recognise this long-standing anomaly whereby disadvantaged students in school sixth forms are entitled to free school meals while those in other settings are not. The hon. Member for Bognor Regis and Littlehampton (Mr Gibb) fulfilled the commitment he made during the debate to raise the issue with his ministerial colleagues, and we are now working through all the available options. ([HC Deb 15 October 2012 c191](#))

Further Education: Free School Meals

Andrew Stephenson: To ask the Secretary of State for Education (1) what assessment he has made of the effect on take-up of places at further education and sixth form colleges of making students at such colleges eligible for free school meals; [127719]

(2) what representations he has received on extending free school meals to further education and sixth form college students aged 16 to 18 years old; and if he will make a statement. [127721]

Mr Laws: The Secretary of State for Education, the right hon. Member for Surrey Heath (Michael Gove), has not assessed the effect on take-up of places at further education and sixth form colleges of making students eligible for free school meals, but we have received representations on their eligibility.

The then Minister for Schools, the hon. Member for Bognor Regis and Littlehampton (Mr Gibb), responded to a Westminster Hall debate on 13 June 2012, *Official Report*, column 94WH, called by the right hon. Member for Sheffield, Brightside and Hillsborough (Mr Blunkett) on this issue,. It was also raised during Education Questions on 18 June 2012, *Official Report*, column 595. We have received representations from the chief executive of the Association of Colleges and college principals. We have also responded to correspondence and parliamentary questions from a number of hon. Members.

As I explained in my response on 15 October 2012, *Official Report*, column 190W, to the right hon. Members for Birkenhead (Mr Field) and Kingston upon Hull West and Hessle (Alan Johnson), the hon. Member for Bognor Regis and Littlehampton has fulfilled the commitment he made during the debate to raise the issue with his ministerial colleagues, and we are now working through the available options. ([19 November 2012 c355](#))

Andrew Stephenson: To ask the Secretary of State for Education how many further education and sixth form college students aged 16 to 18-years-old would be eligible for free school meals if they were attending a school sixth form in (a) Pendle constituency, (b) the North West and (c) nationally. [127720]

Mr Laws: It is not possible to determine whether learners in colleges would meet the current free school meals criteria. However, we can estimate how many 16 to 18-year-olds in FE colleges and sixth form colleges were eligible for free school meals (FSM) when they were in year 11 and this is shown in the following table.

<i>16 to 18-year-olds in further education colleges and sixth form colleges in Pendle, the north west and England, 2010/11 by FSM status at age 15</i>				
	<i>Full-time/part-time status in post-16 study</i>	<i>Pendle</i>	<i>North West</i>	<i>England</i>
Eligible for FSM at 15	Full-time education	185	18,410	92,365
	Part-time education	40	2,570	13,800
	Total	230	20,980	106,165
Not eligible for FSM at 15	Full-time education	1,015	89,050	530,510
	Part-time education	185	7,580	57,990
	Total	1,200	96,630	588,500
Unknown FSM status at 15	Full-time education	90	8,470	65,720
	Part-time education	30	3,235	19,205
	Total	115	11,700	84,925
All	Full-time education	1,290	115,930	688,595
	Part-time education	255	13,385	90,995
	Total	1,545	129,315	779,590

5 Press debate

The issue was discussed in an article in the *Times Education Supplement*, [“No such thing as a free lunch in FE”](#) 2 November 2012:

MPs to debate 103,000 students missing out on meal entitlement

While more than 1.2 million pupils in England receive free school meals, their peers in FE and sixth-form colleges are not eligible for the same support. As a result, more than 100,000 college students - who would have been entitled to free lunches if they attended a school sixth form - miss out.

But a campaign by the Association of Colleges (AoC) to rectify what education secretary Michael Gove has described as an “anomaly” is gathering political momentum.

After former education secretary David Blunkett led a discussion on the issue at Westminster Hall this summer, TES has learned that a debate will be held in the Commons on Tuesday, with backing from across the political spectrum.

And with shadow education secretary Stephen Twigg and children’s charity Barnardo’s both signalling their support for the campaign, confidence is growing in the FE sector

that what Mr Blunkett described as an “inequitable, unfair and discriminatory” incongruity may finally be addressed.

“Even the secretary of state for education has acknowledged this anomaly, which means the most disadvantaged students are penalised for choosing to study in an FE college rather than a school sixth form,” said Janet Grauberg, Barnardo’s UK director of strategy. “We now need action, not words, to stop this happening. The Barnardo’s report, *Staying the Course*, found that some of the poorest students are skipping meals just to afford the bus to college. We fully support the AoC and urge the government to correct this disparity as soon as possible.”

A spokesman for shadow education secretary Stephen Twigg also backed the campaign, but stopped short of saying the party would extend free lunches to colleges. “We are sympathetic to the campaign, and are grateful to the AoC for raising it. It is clear that there is unfairness here, though we can’t make a spending commitment at this stage. We hope the government will take action to rectify this anomaly,” he said.

The Commons debate was secured by Labour MP Nic Dakin, former principal of John Leggott College in Scunthorpe, who described the status quo as “grossly unfair”. “For hard-working students to be denied access to a free meal simply because they have chosen to study at a college rather than a state-maintained school is unjust. This inequality needs to be addressed with urgency as it is also a bar to social mobility,” Mr Dakin said.

Among those backing the debate were three Conservative and three Liberal Democrat MPs.

The AoC estimates that the cost of making college students eligible for free lunches would be £38 million a year, “a modest amount in the context of the Department for Education budget”.

This summer, former schools minister Nick Gibb claimed that the move would actually cost “significantly more than that”. “In the current fiscal climate it would be genuinely difficult to increase spending by between £35 million and £70 million, however desirable it would be to extend free school meals to students at sixth-form and FE colleges. Of course, we keep the matter under review,” he said.

AoC president Maggie Galliers, who is also principal of Leicester College, said that, with family budgets already under pressure, paying for food at lunchtime is an “additional burden”. “We need to level the playing field so that young people, wherever they study, are able to get the most out of their learning,” she said. “It is very heartening to see MPs, charities and students coming together to try to effect this change in central government funding.”