



City of Westminster

Meeting or Decision Maker:

Cabinet/Cabinet Member/Committee Report

Cabinet Member for Young People,
Learning and Leisure

Date:

23 August 2023

Classification:

General Release

Title:

Universal Free Meal Offer in Westminster

Wards Affected:

All

Policy Context:

Key Decision:

Yes

Financial Summary:

Report of:

Sarah Newman, Bi-Borough Executive
Director of Children's Services

1. Executive Summary

- 1.1. The Greater London Assembly (GLA) is launching a Free Lunch for all primary aged pupils in London from September 2023. This report seeks to formally accept the funding from the GLA and make payment to primary schools across the borough so that they can implement the offer.
- 1.2. Given the Council had established a Free Lunch Offer since January 2023, this report seeks re-assign Council funding to introduce a free meal offer to local Westminster pupils attending secondary school as well as nursery pupils aged 3 and 4 years old as well as targeted 2 year olds.
- 1.3. As the GLA's funding is less per pupil per day than the Council's scheme, we will also seek to top up the GLA's fund so that schools do not experience a reduction in funding.
- 1.4. The estimated total cost of these offers is expected to be c £3,211,870. This is based on Autumn Census 2022 data which leaves a net pressure of £54k. Fluctuations in census numbers are expected and general trends show that numbers on rolls are dropping in Westminster and across London which may mitigate this pressure in full or in part.

2. Recommendations

- 2.1. It is recommended that the Cabinet Member for Young People, Learning and Leisure approves:
 - a total of £932,030 (£2.47) to enable nurseries to develop a universal meal offer based on £2.47 per meal to nurseries for academic year 2023-24.
 - a total of £771,780 to enable schools to provide a Free Lunch Offer to resident pupils in KS3 (Years 7-9) academic year 2023-24.
 - A total of £189,924 to top up the meal price for the Mayor of London's offer from £2.65 per meal to £3 per meal for the academic year 2023-24.
- 2.2. It is recommended that the Cabinet Member for Young People, Learning and Leisure approves accepting the GLA's allocation of £1,390,478.00 and transferring this to primary schools so that they are able to implement a free lunch offer.

3. Reasons for Decision

Cost-of-Living

- 3.1. The Cost-of-Living crisis is one of the greatest challenges currently facing the city council and other Local Authorities. In Westminster, around a quarter of households across the city (approximately 32,000 households) are particularly vulnerable to rises in living costs, with some people facing extreme hardship. At a meeting of Full Council on 21st September 2022, Councillors approved a motion to declare a Cost-of-Living Emergency, stating that the scale of the challenge needs "urgent and substantial action" from the Council, Government, and others with the ability to help.
- 3.2. The impact on children and young people is a real concern, and we have growing evidence of families in Westminster finding themselves unable to cover the costs of necessities. Schools tell us that they are seeing a lot more families struggling, including those not eligible for Free School Meals (FSM), which is manifesting in what they can afford to put into a child's lunchbox. FSM play a crucial role in ensuring that all eligible children can eat a healthy and nutritious meal, which in turn supports their ability to learn and improves their mental health.

New Mayor of London Free School Meal Offer in Primary School Pupils

- 3.3. The original key decision committed the council to funding £2,781,784 of which £1,053,864 was allocated to fund the Spring and Summer terms in 2023 and £1,627,920 was allocated to fund the 2023/24 academic year. This cost was based on £3 per pupil per day.
- 3.4. Since this decision was taken, the Mayor of London has made the decision to fund the extension of a free meal offer to primary aged pupils in London attending state schools. This will commence from September 2023 and will last one academic year. The Greater London Assembly (GLA) have allocated £1,390,478 for Westminster schools, and this is based on a meal cost of £2.65 per pupil per day and will be based on 190 days a year and at a take up of 90% of pupils.
- 3.5. The Council has already allocated £1,014,814 for the Spring and Summer terms in 2023 for the Council led scheme that commenced in January 2023. However, as a result of the Mayor's offer, the Council will be able to extend the Free Lunch Offer to Support more pupils in the Borough.

Health, Wellbeing and Educational attainment

- 3.6. Currently, one in five children start school overweight or with obesity. Offering free nutritional meals from an early age, will enable children and their families to develop good habits in relation to healthy eating and nutritional meals. This in return, will enable children to access the early years curriculum more consistently as poor nutrition and development impacts not only children's health, but also their readiness to learn. This will enable our most vulnerable two-year-old children and all of our three- and four-year-old children to have the best possible start in life by developing good habits around their diet and nutrition, increasing their attendance and accessing education and learning more effectively. This additional offer to early years children could potentially have a huge impact on children's future attainment and in essence, improve their life chances.

4. Proposal

Mayor of London Free Meal Offer for Primary aged pupils

- 4.1. The Council will support the implementation of this offer by facilitating the transfer of funds to schools, supporting the GLA with monitoring the offer and communicating to schools. The Council will also be asking schools to sign up to a set of grant conditions to ensure that schools are aware of their responsibilities for delivering this offer and in reporting uptake which can then be passed on to the GLA.
- 4.2. From the GLA funding received, the Council will be making the first payment to schools in August based on data from Spring Census 2023 and the GLA's methodology. This will cover the funding for Autumn term. The payment for the Spring Term will be made in October and the payment for Summer Term will be made in February – this may be subject to change depending on the rollout of the GLA scheme. The Spring and Summer payments will be based each school's monitoring returns.

Top Up of Mayor's Offer to cover £3 per meal

- 4.3. As part of the Mayor's scheme, the price per pupil per day will be £2.65 which would amount to an additional £1.390m that will be allocated to implement a universal primary aged meal

offer from September 2023. To ensure that schools do not experience a reduction in funding and to ensure that the Council meets its existing commitment to primary schools which was announced in December 2022, the Council will top schools up by £0.35 per pupil per day to £3 for the duration of the academic year 2023-24. This will come at a cost of £189,924 and is based on 190 academic days. The top up funds will be transferred at the same time that funding from the GLA is transferred to schools.

Free Meal Offer for Children in Westminster Nurseries

- 4.4. It is proposed to fund free lunches for children attending Westminster nurseries and early year settings for the duration of the 2023-24 academic year starting from September 2023. The methodology used to determine the funding for each school will be £2.47 per pupil per day over 190 days in an academic year.
- 4.5. While the Council would prefer for all children in nurseries to access a hot meal through this offer, it is recognised that some nurseries and early years settings do not have staff or facilities to provide a hot meal offer to all children. Where it is not possible for nurseries to provide a hot meal, they will have the option of providing either cold meals, or vouchers to ensure that children can receive their offer. The Council has provided details of a recognised voucher provider to Nurseries.
- 4.6. The Council is working with the Health Education Partnership to distribute information to settings on healthy eating for young children.
- 4.7. Nurseries will be expected to provide termly light touch monitoring on take up of the offer to the Council, this will relate to the percentage of children taking up the offer which will be taken as part of census data collection.

Free Meal Offer for Westminster Resident Secondary Aged Pupils

- 4.8. It is proposed to fund free lunches for KS3 resident pupils attending Westminster schools for the duration of the 2023-24 academic year starting from September 2023. The methodology used to determine the funding for each school will be £3 per pupil per day over 190 days in an academic year.
- 4.9. For nurseries, the methodology used to determine the funding for each school will be £2.47 per pupil per day over 190 days in an academic year.
- 4.10. The funding allocation for each school has been determined, after taking account of the Summer 2023 census. The Council has written to schools setting out their allocation and the number of pupils that will be supported.
- 4.11. Subject to approval of the recommendations, the Council will then transfer the funds to each school, enabling schools to make the necessary catering arrangements. The school will be expected to provide termly light touch monitoring on take up of the offer to the Council, this will relate to the percentage of children taking up the offer which will be taken as part of census data collection.

Sustainability

- 4.12. The provision of these meal offers will be reviewed in 2024. However, the Council will set out that this funding is for a fixed term only as it is directly linked to the cost of living crisis.

Pupil Premium Funding

- 4.13. A risk that has been highlighted is that if families are receiving FSM equivalent support they have less incentive to formally submit an application for the government's FSM. This can lead to an associated overall decrease in funding to schools, as it artificially reduces their number of 'visible' FSM-eligible children. FSM eligibility directly links to the level of Pupil Premium Grant that schools receive and funding received via the Dedicated Schools Grant (FSM). The Council's messaging to schools has urged them to continue to encourage families to sign up for the Government's Free School Meal Scheme with added benefits to parents including access to free activities and food over the school holidays as part of the Government's Holiday Activity and Food programme (HAF) and food vouchers during the holidays, funded via the Government's Household Support Fund.
- 4.14. In January 2023, the Council introduced a new portal to support families signing up for free school meals with the aim of making this a more straightforward process.
- 4.15. Officers are also exploring the potential of auto-enrolment where a check is undertaken to determine whether or not resident parents in receipt of benefits would be eligible for Free School Meals and then automatically registering these parents onto the Government's Free School system. Auto-enrolment is currently undertaken in other parts of the country and have been successful in improving uptake rates of FSM.

Food Standards

- 4.16. Early Years settings are encouraged to follow the '*Eat Better, Start Better*' guidelines and [guidance menus provided by the UK Government](#), however these guidelines are voluntary, and settings are not obligated to provide foods to set standards.

Primary and Secondary schools are required to follow the [School Food Standards](#), as part of the Free School Meal scheme.

For both early years settings and schools, our commissioned Change4Life Service supports settings through the accreditation of the Mayor of London's Healthy Early Years London and Healthy Schools London award programme which includes several criteria to demonstrate they have Healthy Early Years/Healthy School status, one of which is around food and nutrition. In addition, through the roll-out of the free meals in Early Years settings from this September, the Change4Life service will also be giving bespoke support to settings to meet the *Eat Better, Start Better* guidelines.

5. Options

- 5.1. A range of options have been considered as to how make best use of funding which is now available as a result of the Mayor's offer.
- 5.2. The option for 'Do Nothing' was addressed. However, Westminster had already implemented a Free School Lunch offer. It is the intention of the Mayor's funding that any budget already allocated towards the delivery of Free School Meals but reallocated to support families in financial hardship as a result of the cost of living crisis. Furthermore, as Westminster has declared a Cost of Living Emergency, it is the intention that the funding for the original Primary School Free Lunch Offer be used in a way to extend free meals to as many pupils as possible.

- 5.3. The options considered supporting pupils at nurseries, primary schools and secondary schools. These options generally focussed on the cost and reach of each offer. Options weighed how the offer could be used to reach as many pupils attending schools in Westminster within the financial constraints.
- 5.4. For the nursery offer, only 29% of pupils are non-resident in the borough. The council had also weighed up the option of basing the price per meal at £2.47. A cost of £2.47 reflects the recommended price set by the Local Authority Caterers Association.
- 5.5. For the secondary school offer, the most feasible option was to enable a meal offer to resident secondary aged pupils up to the end of Year 9 only. This option also reflects the fact that a significant number of pupils live out of the borough (55%).
- 5.6. In recommending that the Council 'top-up' the GLA's offer to primary schools, the Council had already made a commitment to Westminster Primary Schools that meals would be funded at £3 per meal. Due to the GLA funding its offer at £2.65, the Council needed to ensure that schools did not experience a step down in funding.
- 5.7. The recommended options have been proposed as they enable the largest reach within the available financial envelope.

6. Financial Implications

- 6.1. A universal meal offer for primary aged pupils over term time from January 2023 to the end of the 2023/24 academic year was approved at Cabinet in December 2022. The cost of this provision was estimated at £2,781,784 and funding approved as part of the Fairer Westminster proposal.
- 6.2. As a result of the GLA's free lunch offer for all primary aged pupils in London from September 2023, it is now proposed to extend the WCC offer to local Westminster pupils attending secondary school, nursery pupils aged 3 and 4 years old as well as targeted 2 year olds.
- 6.3. Additionally, as the GLA's funding (£2.65) is less per pupil per day than the Council's scheme (£3.00), it is also proposed to top up the GLA's fund.
- 6.4. The estimated costs of these recommendations is summarised below.

Jan 2023 to Aug 2024 £3 per pupil per day to 2856 primary aged pupils	£2,781,784
Spring and Summer Term Payments (Jan 2023 to July 23 or 123 academic days)	£1,014,814
Funds Remaining	£1,766,970
GLA Funding Confirmed (based on 90% uptake)	£1,390,478
Total Funding	£3,157,448

Proposal (based on 190 days and Spring census):

Nursery Offer - £2.47 per pupil	£932,030
Primary Schools - GLA Offer, £2.65 per pupil and 90% uptake	£1,294,196
Primary Schools - Top Up, £0.35 per pupil	£189,924
KS3 Offer - £3.00 per pupil	£795,720
Total Cost of Recommended Options	£3,211,870

Additional Funding Required	£54,422
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- 6.5. The above figures are subject to fluctuations in census numbers.
- 6.6. Although the fluctuations in numbers are expected to be minimal, there is a potential risk that parents will stop applying for Free School Meals as the offer is free and universal, resulting in an increased cost to the borough.
- 6.7. The GLA allocation of £1,390,478 assumes a 90% uptake and there will not be any clawback if uptake is below 90%. Additional funding can be claimed if uptake above 90% can be evidenced – the mechanism for this as well as the monitoring is yet to be confirmed by the GLA.
- 6.8. It is proposed that the estimated additional cost of £54k is covered from corporate items (risk budget). If, after review, it is decided that the original primary school provision or the new wider offer should continue beyond the 2023/24 academic year, costs will be embedded into the Children’s Services base budget as part of the medium-term financial planning process.

Financial implications provided by Poonam Gagda, Senior Finance Manager (poonam.gagda@rbkc.gov.uk) and approved by Anita Stokes, Lead Strategic Finance Manager (astokes@westminster.gov.uk)

7. Legal Implications

- 7.1. Under s 512ZB of the Education Act 1996 [Provision of free school lunches and milk] the following groups are entitled to free school meals at maintained schools and academies:
- all reception, Year 1 and Year 2 pupils at maintained schools are entitled to free school lunches - sometimes called 'UIFSM' or Universal Infant Free School Meals

- Pupils in receipt of, or whose parents are in receipt of, one or more of the following benefits:
 - Universal Credit (provided you have an annual net earned income of no more than £7,400, as assessed by earnings from up to three of your most recent assessment periods)
 - 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 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 four weeks after you stop qualifying for Working Tax Credit

Section 512 above, gives the Council powers to provide free school meals to the recommended groups where they do not fall within the category above.

- 7.2. The Council can also rely on its powers under s1 Localism Act 2011 to provide the offer proposed.
- 7.3. The proposed decision is to expand eligibility for free school meals to all primary school children as set out in para.4.3. and to nursery children and some secondary school children. This in accordance with the duty on the council in the exercise of its functions, to have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

Legal Implications were reviewed by Kirti Shori , Principal Solicitor:
kshori@westminster.gov.uk

8. Carbon Impact

- 8.1. There is likely to be carbon impact as a result of this initiative. Research shows that the average kg CO₂e per meal is estimated to be at 0.61. This new proposal is estimated to enable 3,382 pupils on top of those children already receiving FSM via the Government's scheme. This would equate to 2096.8kg per day or 398,392kg per year in terms of carbon impact based on 190 academic days.

9. Equalities Implications

- 9.1. The equality implications of this initiative are expected to be positive for those of the following protected characteristics, Young Children, and Families on Low Incomes. It is not expected that any groups with protected characteristics will be negatively impacted by this initiative.
- 9.2. A full Equalities Impact Assessment is available upon request.

10. Consultation

- 10.1. The Cost Of Living Crisis was a recurring theme during the consultation and engagement pieces which fed into the Children and Young People's Plan 2023-2026.

¹ Sodexo, (August 2022), [Helping students to understand the carbon footprint of school meals](#)

- 10.2. The Council has communicated with all nurseries, primary and secondary schools to set out how the initiative will work in practice and has also circulated Frequently Asked Questions. As part of the messaging, schools will also be invited to complete a short survey to help the council to understand how they plan to implement the initiative as well as feedback any comments or queries they have. The council hosted a working group with nurseries to implement the offer and has also hosted Q&As for primary and secondary schools explore and resolve implementation issues and challenges.
- 10.3. The council will ensure that there are designated points of contact for the scheme to ensure that any emerging queries can be raised by schools and responded to promptly.

**If you have any queries about this Report or wish to inspect any of the
Background Papers, please contact:**

Annabel Saunders – Annabel.Saunders@rbkc.gov.uk

For completion by the **Cabinet Member for Young People, Culture and Learning**

Declaration of Interest

I have <no interest to declare / to declare an interest> in respect of this report

Signed:  Date: 23/08/2023

NAME: **Councillor Tim Roca**

State nature of interest if any

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(N.B: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter)

For the reasons set out above, I agree the recommendation(s) in the report entitled **Dockless Bike Scheme** and reject any alternative options which are referred to but not recommended.

Signed: 
Cabinet Member for Young People, Culture and Learning
Date: 23/08/2023

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:
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If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of Law , Chief Operating Officer and, if there are resources implications, the Director of Human Resources (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Members: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the

criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.