

# Free School Meals extension to children from families with No Recourse to Public Funds

In April 2022, the Department for Education (DfE) permanently extended access to Free School Meals (FSM) to children from families with No Recourse to Public Funds (subject to income thresholds). Children at schools across the country who were previously going hungry due to their parents' immigration status will now have access to at least one nutritious meal during the school day. Schools will also be able to receive appropriate funding, e.g. Pupil Premium, for these pupils claiming Free School Meals.

The extension started from the start of Easter Term 2022 (19th April 2022). However, The Children's Society's research during the temporary extension has shown that many families who were eligible were either unaware or unable to access their entitlements regarding Free School Meals. We therefore urge you to help raise awareness among parents about their eligibility to access this support.



## What is No Recourse to Public Funds?

No Recourse to Public Funds is a condition placed on the immigration status of many parents. Having No Recourse to Public Funds

means that affected children and families are prevented from accessing in-work and out-of-work benefits. Before the pandemic, these children did not have access to Free School Meals. Many of the children in these families will have been born in the UK or have known no other home – they miss out on welfare support for which their peers are eligible simply because of their parents' immigration status.

Families who are undocumented or without immigration status also do not have access to public funds. They too are eligible under this extension (see more below).

## Which children are now eligible?

Eligible groups include, but may not be limited to children of:

- Zambrano carers
- families who have no recourse to public funds with a right to remain in the UK on grounds of private and family life under Article 8 of the European Convention on Human Rights
- families receiving support under Section 17 of the Children Act 1989 who are also subject to a no recourse to public funds restriction
- a subset of failed asylum seekers supported under Section 4 of the Immigration and Asylum Act 1999
- Chen carers
- families holding a BN(O) passport
- spousal visa holders
- work visa holders
- student visa holders
- those with no immigration status

For more information about eligible groups, see [Department for Education guidance](#).

## Income thresholds

Eligibility depends on meeting the maximum income threshold criteria, which varies by number of children and location:

- £22,700 for families outside of London with 1 child
- £26,300 for families outside of London with 2 or more children
- £31,200 for families within London with 1 child
- £34,800 for families within London with 2 or more children

Please note that families unable to legally work in the UK are not required to provide any evidence of income and can instead self-declare to the school (see below).

## What does this mean for schools?

### Verification:

The DfE has asked schools to assess eligibility for Free School Meals under the extension of this policy to families subject to NRPF. The Department for Education has provided a [sample form in their guidance](#) for parents to verify their eligibility for Free School Meals to schools. The DfE views use of its sample application form as sufficient (but schools may use their own form if they prefer).

Some families may not be able to provide evidence of their immigration status, i.e. if they are undocumented or have no immigration status. Similarly, some families may be unable to provide evidence of income, e.g. families unable to legally work in the UK.

**We encourage schools to support these families through being flexible and sensitive to parents' individual situations and not turn eligible parents away because of lack of proof.** Self-declaration of status or income from parents to the school – without proof of status or income – is considered sufficient by the DfE to apply. Self-declaration could include written confirmation from the family applying for FSM of their immigration status.

An example of this is 'I (name), confirm that I have the following immigration status: (immigration status, e.g. undocumented).'

Schools are not required to send applications for FSM made by families with NRPF to the DfE or their Local Authority. Schools can award FSM eligibility where they are satisfied that the applicant has NRPF and meets the income thresholds. The application form is there to help schools do this as the usual eligibility checking system cannot be used for families with NRPF.



### Pupil Premium:

The Department for Education has also clarified in its guidance that “You should **record eligible free school meals pupils who qualify through NRPF criteria in the termly school census**, in the same way as all other free school meals pupils”. This will ensure that schools attract the appropriate funding e.g. Pupil Premium, for these pupils.

### Data Sharing

As set out in the [sample application form](#) provided by the DfE, applicants agree to provide information for the purpose of it being shared with the DfE to assess eligibility for free school meals. It is not in the DfE's process to share information with the Home Office.

Your school's census returns to the DfE will include overall numbers of pupils eligible for Free School Meals so the school can receive the right funding, e.g. Pupil Premium, but will have no indication of pupils' immigration status.

### What can schools do?

To make the process easier, and to ensure every child who is now eligible can access food during the school day, schools can:

- Promote the new rules around Free School Meals to all parents through newsletters, parent noticeboards, half-termly text messages or email reminders as well as on the school social media and website.
- Ensure all staff are made aware of the changes so they can pass on to parents.
- Encourage staff to learn more about the NRPF condition. Please see attached our information sheet.
- Reach out to parents with NRPF or no immigration status who have previously been denied Free School Meals.
- Make proof as easy and flexible as possible. Families who are unable to prove their income or status should be treated with flexibility. If parents are unable to provide evidence (ie because they have no legal right to work in the UK or have no immigration status), they should be able to self-declare to the school to gain access.

**The Children's Society have provided a template letter and application form for parents/carers to help schools inform them of the changes and allow parents/carers to apply for FSM (see attached).**

