

Birmingham City Council
Directorate of Local Services
Benefit Service

FREE SCHOOL MEALS

Guidance Notes for Schools 2011-2012

NAB014 1,000 702 / EB 3600

Revised December 2011

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1. INTRODUCTION

Free School Meals is a benefit awarded in respect of children under the age of 19 where the parent or guardian is getting one of the qualifying benefits below. Also 19 year olds where Child Benefit is being received for them or where the pupil is defined as independent and is getting the following benefits him/ her self:

From **6 April 2011** the income 'threshold', which forms part of the 'Tax Credit' free school meal eligibility category, will remain at **£16,190**

Children whose parents receive the following support payments are entitled to receive free school meals:

- Income Support (IS);
- Income Based Jobseekers Allowance (IBJSA);
- an income-related Employment And Support Allowance (ESA ir) (this benefit was introduced on 27 October 2008) See Appendix 2;
- support under part VI of the Immigration and Asylum Act 1999; or
- Child Tax Credit, provided they are not entitled to [Working Tax Credit \(WTC\)](#) * and have an annual income (as assessed by Her Majesty's Revenue and Customs) that, as of **6 April 2011**, does not exceed **£16,190**

* They may still be entitled to free school meals, however, even if they are receiving Working Tax Credit, but only during the 4 week period immediately after their employment finishes or their hours are reduced to less than 16hrs per week.

[Please note – people who work less than 16 hours a week are not entitled to receive Working Tax Credit. This exemption for allowing WTC only applies to the 4 week period after they stop receiving it. Under any other circumstances the existence of WTC means that free school meals should not be allowed].

- The Guarantee element of State Pension Credit.

Children who receive IS or IBJSA in their own right are also entitled to receive free school meals.

By Law no other category of support payment or combination of Tax Credits qualifies for free school meals. There are no other circumstances that can legally justify the provision of a free meal.

Special arrangements are in place for asylum seekers who do not have access to these particular benefits and this is explained in more detail later.

From 5th December 2005, the Civil Partnership Act came into force, giving legal recognition to same sex couples. For Free School Meals eligibility purposes, this means that same sex couples who live together and who are claiming the above listed income-related benefits can claim free school meals for their dependant children.

2. FREE MEAL ENTITLEMENT EVIDENCE REQUIREMENTS

Parent/carers with entitlement to Income Support, Job Seekers Allowance (Income Based) and Income Related Employment and Support Allowance will have received a letter from the Department of Work & Pensions (DWP) granting or stating that they are entitled. For those in receipt of the 'Guaranteed' element of Pension Credit it is suggested that parents produce their 'Pension Credit M1000 Award Notice' as proof of entitlement.

The 'How Pension Credit has been worked out...' section of this form clearly shows details of any Guaranteed Pension Credit in payment.

Those receiving Child Tax Credit will continue to receive Her Majesty's Revenue & Customs form TC602 that should be presented to secretaries as proof of free meal entitlement via that criterion.

NB: Secretaries should retain photocopies of this evidence for audit purposes.

3. ASYLUM SEEKERS

All new applicants (since 29th August 2000) are the responsibility of the Home Office - NASS. People are provided with accommodation and vouchers up to the value of 70% of the Income Support level. Asylum seekers supported by NASS are entitled to Free School Meals and Health Benefits (free prescriptions etc). If a person's asylum application is successful they become a refugee and attain the same rights as other residents including the right to receive benefits such as Income Support, Job Seekers Allowance etc and including Free School Meals where there is an entitlement.

People not accepted as refugees may be granted exceptional leave to remain (typically four years) and they also have full rights to benefits.

Appendix 3 is an example of the type of proof that may be provided to confirm that there is Asylum Seeker status and enabling free school meals to be granted.

4. NEW CLAIMS

The parent will need to apply for Free School Meals for the child/children attending your school, by completing a claim form stating their National Insurance number and details of each child they are claiming for. (See **Appendix 4**).

Proof of their current eligible benefit must be provided and a copy taken in support of their claim. Proof may consist of a recent letter from the DWP/Her Majesty's Revenue & Customs or even a letter from the Benefit Service confirming entitlement to Housing Benefit/Council Tax Benefit calculated on the basis of Income Support or Job Seekers Allowance (Income Based) (**Appendix 1**).

If a form has been completed and signed, and you have seen proof that the parent is in receipt of one of the qualifying benefits, you can allow the child Free School Meals.

You will need to update your records accordingly for each child. Please refer to the section on Record Management.

5. BACKDATED FREE SCHOOL MEALS/REFUND

Parents can request a refund for meals they have paid for whilst they were entitled to claim Free School Meals

For example:

Where the DWP have backdated entitlement to Income Support, Job Seekers Allowance (Income Based), Income Related Employment and Support Allowance or where the parent is prevented from claiming earlier because of illness, lack of mobility, a family crisis or where there are communication difficulties relating to language or literacy.

A parent can request that their entitlement be backdated to when they completed their initial claim form.

The parent should be asked to complete Part One of a Refund Claim Form (**Appendix 5**), which must be returned to the school.

For customers of Direct Services only: The school will need to complete Part Two of this form and forward the completed form to **Douglas Jones at Education Direct Services, Portland Centre, 304 Portland Road, B17 8LR.**

Claims for refunds may take four to six weeks. The refund will be made direct to the parent in the form of a single cheque payment.

6. ENTITLEMENT REVIEW

The Benefit Service will conduct an annual entitlement review for each school (details to be provided later). Eligibility can only be confirmed where a claim for Housing Benefit/Council Tax Benefit has been made. The following details will be required on a Microsoft Excel spreadsheet in order to carry this out:

- Child's full name
- Address
- Parent/guardian's full name
- Parent/guardian's National Insurance Number (NINO)
- Benefit Service Response (column)
- Additional notes

(See **Appendix 7** for suggested layout or email Benefit Service at NABFreeMeals@Birmingham.gov.uk for a spreadsheet).

This does not exempt schools from conducting their own review of ongoing eligibility to free meals. It is suggested that you issue a letter to the parent asking them to confirm their continuing eligibility. (See **Appendix 6** as a suggested format).

7. CHANGES

You will need to keep your records up to date taking note of changes in entitlement, particularly the date when a child is no longer eligible to receive a free meal. Instances where you will need to amend your records include:

- As advised by the parent, the onus is on the parent to inform the school where they are no longer eligible;
- If there are any children or details that are incorrect on your listing, e.g. the date of birth, surname and/or forenames are incorrect;
- If a child changes school, address or name;
- Following a review of eligibility;
- As advised by the Benefit Service following an annual check.

Schools should undertake regular reviews to confirm ongoing eligibility of entitlement to receive free school meals.

Sources/reference:

http://www.direct.gov.uk/en/Parents/Schoolslearninganddevelopment/SchoolLife/DG_4_016089

8. CONTACT ARRANGEMENTS

There is a Benefit Service team that can provide help and advice on matters relating to free meals. You can contact the team by:

Telephone:

0121 464 7000 (general enquiry line for parents)

0121 464 1424 (schools only)

Email: nabfreemeals@birmingham.gov.uk

Team Members include:

- Ros Pettigrew - Team Manager
- Craig Mobbs
- Verina Blake



Subject to change

JOB SEEKERS ALLOWANCE

There are two parts to Jobseekers Allowance:

1. **Jobseekers Allowance (Income Based)** – paid to those who have not paid enough contributions and are required to sign on as being available for work.
2. **Jobseekers Allowance (Contribution Based)** - paid to those who have worked and paid enough contributions to merit this payment. It is paid for a maximum of six months.

The claimant is sent a JSA notification letter by the DWP. It is possible to identify from the first page of this letter whether the claimant has been awarded JSA (IB) or JSA (Cont).

| WHAT THE LETTER SAYS | WHAT THIS MEANS | OUTCOME |
|--|--------------------|---|
| The assessment is based on your Class 1 National Insurance Contribution Record' | This is JSA (Cont) | The claimant is not entitled to Free School Meals, unless in receipt of another qualifying benefit. |
| 'The assessment is based on how much the law says you need to live on and your Class 1 National Insurance Contribution Record' | This is JSA (IB) | The claimant will be entitled to Free School Meals. |
| 'The assessment is based on how much the law says you need to live on. You have not paid or been credited with enough National Insurance Contributions for them to be used in this assessment' | This is JSA (IB) | The claimant will be entitled to Free School Meals. |

If the claimant provides a copy of the complete letter, the third part of the letter states whether the JSA is 'income based' or 'contribution based'.

EMPLOYMENT AND SUPPORT ALLOWANCE

On 27th October 2008 a new benefit was introduced called Employment and Support Allowance (ESA). It replaced Incapacity Benefit (IB), Severe Disablement Allowance (SDA) and Income Support (IS) where it was paid on grounds of incapacity for work. Other Income Support claims, for example, Lone Parents, continued. It applied to new claimants only and anyone who was in receipt of IB or IS on 27th October 2008 continued to receive those benefits.

There are two types of ESA:

- **ESA (IR) - Income Related**
- ESA (C) - Contribution based

ESA (IR) will be classed as a passported benefit in the way that IS, JSA (IB) and Pension Credit (Guaranteed) are. Claimants in receipt of ESA (IR), will, therefore be entitled to maximum eligible Housing and Council Tax Benefit.

PLEASE NOTE THAT PARENTS WHO ARE IN RECEIPT OF INCOME RELATED ESA ARE ENTITLED TO FREE SCHOOL MEALS

ESA (C) will be awarded to claimants who have satisfied National Insurance contribution conditions. Contribution based ESA may be "topped up" with Income Related ESA.

PARENTS RECEIVING ESA (C) ARE NOT ENTITLED TO FREE SCHOOL MEALS

TRANSCRIPT OF A LETTER FROM THE REFUGEE COUNCIL RE
ASYLUM SEEKERS

To Whom It May Concern

Date:

Re:

Address:
.....
.....
.....

The above named child is/children are:

1. The dependant(s) of an asylum seeker who is supported under the National Asylum Support Service. OR
2. The dependant(s) of an asylum seeker who has applied for support from the National Asylum Support Service and has no form of income or independent support.

In England, children whose families are supported by NASS have an entitlement to free school meals under Section 117 of Schedule 14 of the Immigration and Asylum Act 1999.

Thank you for your assistance in this matter.

Yours faithfully

Asylum Support Advice Worker
Croydon

FORM, APPLICATION FOR FREE SCHOOL MEALS

| APPLICATION FOR FREE SCHOOL MEALS: April 2011 | | |
|--|--|--|
| <p>You may print this form and complete it manually. Or, you may save it to the hard drive on your PC and complete this form online. Place the cursor in the shaded area and start typing. Use the TAB key to move from one field to the next. Insert your responses, print the form and sign it where required.</p> | | |
| <p>You will qualify for free school meals if you or your partner are receiving:</p> <ul style="list-style-type: none"> - Income Support (IS); - Income Based Jobseekers Allowance (IBJSA); - Support under part VI of the Immigration and Asylum Act 1999; or - Child Tax Credit, provided they are not entitled to <i>Working Tax Credit</i>*(see page 2) and have an annual income, as assessed by the Her Majesty's Revenue & Customs that does not exceed £16,190; - An income-related employment and support allowance (irESA) (this benefit was introduced on 27 October 2008) - Guarantee element of State Pension Credit. <p>To apply please complete and return this form to the school secretary and at the same time provide evidence of entitlement to any of the above.</p> | | |
| School | | |
| Your address | | |
| Postcode | | Home Tel No |
| You and Your Partner | You | Your Partner |
| Title | Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> | Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> |
| Surname / Family Name | | |
| Other Names | | |
| Date of Birth | <input type="text"/> / <input type="text"/> / <input type="text"/> | <input type="text"/> / <input type="text"/> / <input type="text"/> |
| National Insurance Number | <input type="text"/> | <input type="text"/> |
| Do you or your partner receive Income Support or Income Based Job Seekers Allowance or irESA? | Yes <input type="checkbox"/> | No - you cannot get free meals <input type="checkbox"/> |
| AND / OR: Child Tax Credit (CTC) only - gross income of no more than £16,190 | Yes <input type="checkbox"/> | No - you cannot get free meals <input type="checkbox"/> |
| AND / OR: Support under Part VI of the Immigration and Asylum Act 1999 | Yes <input type="checkbox"/> | No - you cannot get free meals <input type="checkbox"/> |
| AND / OR: Guarantee element of State Pension Credit | Yes <input type="checkbox"/> | No - you cannot get free meals <input type="checkbox"/> |

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| APPLICATION FOR FREE SCHOOL MEALS (continued) | | | |
|--|-----|---------------|--------|
| Children living with you who go to school | | | |
| Full Name | Sex | Date of Birth | School |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

| Backdating | Does this apply to you? | If you are not sure get help to fill in this part |
|---|-------------------------|--|
| School meals are provided free from the date of your claim. However, if you have a good enough reason for not claiming earlier and you have paid for your child's meals we can refund you for up to 3 months. If you think that your free meals should be backdated tell us the date from which you wish to claim and the reason why below. | | |
| I wish to claim free meals from | | <input type="text"/> / <input type="text"/> / <input type="text"/> |
| I did not apply earlier because | | |
| Declaration: If you give false information you could be prosecuted | | |
| <ul style="list-style-type: none"> - As far as I know the information I have given is complete. - I agree that you may make any enquiries to check the information I have given. - I will tell you at once if my circumstances, income or savings change. - I will tell you at once if there is any change in the circumstances or income of the people living in my house. | | |
| Your signature | | Date |

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FORM, SCHOOL MEALS REFUND

| FREE SCHOOL MEALS - REFUND CLAIM FORM: April 2011 | | | | | | | | | | | | |
|--|---|----|--|--|--|--|--|--|--|--|--|--|
| <p>You may print this form and complete it manually. Or, you may save it to the hard drive on your PC and complete this form online. Place the cursor in the shaded area and start typing. Use the TAB key to move from one field to the next. Insert your responses, print the form and sign it where required.</p> | | | | | | | | | | | | |
| Part One | Declaration to be completed by parent / carer | | | | | | | | | | | |
| Child's name | | | | | | | | | | | | |
| Child's Address | | | | | | | | | | | | |
| Parent's name | | | | | | | | | | | | |
| Parent's National Insurance Number | <table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 20px;"></td> <td style="width: 20px;"></td> <td style="width: 20px;"></td> <td style="width: 20px;"></td> <td style="width: 20px;"></td> <td style="width: 20px;"></td> <td style="width: 20px;"></td> <td style="width: 20px;"></td> <td style="width: 20px;"></td> <td style="width: 20px;"></td> </tr> </table> | | | | | | | | | | | |
| | | | | | | | | | | | | |
| School attended | | | | | | | | | | | | |
| Period for which refund requested | From | To | | | | | | | | | | |
| <p>I confirm that my child paid for a school meal on each full school attendance day whilst entitled to free school meals and that it was eaten at the place of education.</p> | | | | | | | | | | | | |
| Parent signature | Date | | | | | | | | | | | |
| <p>Please take or send this request to your child's school.</p> | | | | | | | | | | | | |

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| FREE SCHOOL MEALS - REFUND CLAIM FORM: April 2011 | | | | |
|--|--|----------|---------------------------|---|
| <p>You may print this form and complete it manually. Or, you may save it to the hard drive on your PC and complete this form online. Place the cursor in the shaded area and start typing. Use the TAB key to move from one field to the next. Insert your responses, print the form and sign it where required.</p> | | | | |
| Part Two | To be completed by school secretary / administrator | | | |
| Primary school: number of meals paid for | From | To | = | |
| Secondary school: number of meals paid for | From | To | = | |
| Income Support | Start Date | End date | Copy of evidence retained | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Job Seekers Allowance (IB)/ir ESA | Start Date | End date | Copy of evidence retained | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Child Tax Credit (CTC) only (<i>no working tax credit *- see page 2</i>) gross income no more than £16,190 | Start Date | End date | Copy of evidence retained | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Support under Part V1 of the Immigration and Asylum Act 1999 | Start Date | End date | Copy of evidence retained | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Guarantee element of State Pension Credit | Start Date | End date | Copy of evidence retained | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Secretary / Admin signature | | | Date | |
| This form should be retained for audit purposes. | | | | |

This documentation will be treated in accordance with The Data Protection Act 1998

FORM, REVIEW OF ENTITLEMENT

| REVIEW OF ENTITLEMENT TO FREE SCHOOL MEALS April 2011 | | |
|---|------------------------------|-----------------------------|
| You may print this form and complete it manually. Or, you may save it to the hard drive on your PC and complete this form online. Place the cursor in the shaded area and start typing. Use the TAB key to move from one field to the next. Insert your responses, print the form and sign it where required. | | |
| School | | Date |
| Dear Parent: <u>Review of entitlement to Free School Meals</u> I need to check that you are still entitled to receive free school meals for your child / children attending this school. Please fill in the following details. | | |
| Your full name | | |
| Your partner's full name | | |
| Full address (inc Postcode) | | |
| Child's name | | |
| Child's name | | |
| Child's name | | |
| Child's name | | |
| Child's name | | |
| Child's name | | |
| Child's name | | |
| Please answer the following questions by marking the box (X) that applies to you or your partner. Are you or your partner receiving: | | |
| Income Support | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Getting Job Seekers Allowance (Income Based)/irESA | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Getting Child Tax Credit (CTC) only (no working tax credit* - see page 2) – gross income no more than £16,190 | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Supported by the Home Office – National Asylum Support Service | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Guarantee element of State Pension Credit | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| If you have answered NO to any of the above, on what date did this benefit stop? | | |
| Declaration: If you give false information you could be prosecuted | | |
| <ul style="list-style-type: none"> - As far as I know the information I have given is complete. - I agree that you may make any enquiries to check the information I have given. - I will tell you at once if my circumstances, income or savings change. - I will tell you at once if there is any change in the circumstances or income of the people living in my house. | | |
| Your signature | | Date |
| Please return this form to your child's school immediately | | |

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