

## Free School Meals and No Recourse to Public Funds in Wales – Briefing 2: challenges

Free School Meals (FSM) are available to eligible children attending a maintained school in Wales. Eligibility is based on household income, measured by receipt of certain benefits or asylum support, and the immigration status of a child's parents.

At the time of writing, children whose household is subject to a No Recourse to Public Funds (NRPF) restriction are not eligible for Free School Meals in Wales. However, Free School Meals are not a public fund for UK immigration purposes.

### Why have we produced this briefing?

In October 2024, we launched our campaign for [Fair Free School Meals](#) in collaboration with the NRPF Coalition Wales, and supported by the Children's Commissioner and the Future Generations Commissioner. This campaign calls for the extension of FSM to all children from low-income households, regardless of the immigration status of their parents. Since launching the campaign, we have engaged in discussion with people working in civil society, local authorities, and Members of the Senedd. This briefing addresses the key concerns and questions raised in our conversations.

For more information on Free School Meals (FSM) and NRPF in Wales, including an outline of the Bevan Foundation's concerns and why we believe that it is essential for Welsh Government to extend eligibility for FSM to children affected by No Recourse to Public Funds, please see our previous briefing on FSM and NRPF, [Free School Meals and No Recourse to Public Funds in Wales: a briefing](#).

### Why permanently extend free school meals to children with NRPF?

A fuller list of concerns can be found in our previous briefing. Essentially:

- Children in Wales are routinely excluded from accessing free school meals (FSM) by their parents' no recourse to public funds (NRPF) condition<sup>1</sup>. Even if their household income is zero, children are going hungry while their peers are fed.
- Restricting eligibility for FSM on the basis of a parent's immigration status results in discrimination on the grounds of race.
- Free school meals are not a public fund for immigration purposes. They are a valuable resource in tackling child poverty. Lack of access to FSM also restricts access to the School Essentials Grant.
- Our research shows that providing free school meals via local authority discretion simply is not working. Children with NRPF continue to go without food at lunchtime. Only extending eligibility can provide a clear path to food at school.

## Can Welsh Government change policy on FSM without changing the law?

Some people we spoke to believed that changing policy on FSM would require a change in the law. In Senedd Plenary on 14 July 2021, the then Minister for Education and the Welsh Language, Jeremy Miles, stated:

“It is unacceptable... that many families with no recourse to public funds also are living in extreme poverty. Changing the eligibility criteria for free school meals in these circumstances would require primary legislation to be amended. However, I strongly encourage local authorities to exercise their discretion to allow the children of these families to benefit from free school meal provision, and to claim the costs of doing so from the Welsh Government.”

Free School Meals are not a public fund and there is nothing in immigration legislation which restricts families with no recourse to public funds from accessing them. In 2020, the UK Government temporarily extended eligibility for free school meals to include some families with NRPF. In 2022, this was made permanent in England and was extended to all families with NRPF whose household income was below a minimum income threshold. This was done via policy change and without any amendment of primary legislation. Serious questions should be raised if devolved governments are not able to make a similar policy change where no restriction exists in immigration law.

## Who would pay for extended Free School Meals?

We believe that Welsh Government should pay the cost of free school meals. Fair reimbursement of the cost of extending eligibility, including revenue costs, capital costs (which are likely to be minimal given the relatively low numbers), and the cost of resulting eligibility for other programmes provided or administered by Welsh Government, is essential. This will enable local authorities to provide FSM to all children on low incomes, and make it more likely that they facilitate and promote access. It will ensure that local authorities with higher numbers of children affected by NRPF can provide fair free school meals on an equitable basis.

## Wouldn't extending eligibility to children with NRPF cost a lot?

In 2023-24, 90,108 children in Wales were eligible for FSM<sup>2</sup>. In our previous briefing, we estimated that there are about 1,500 children in secondary schools who are from low-income households and are affected by No Recourse to Public Funds. This is a generous estimate, based on limited availability of migration statistics. It represents less than a 1.7% increase in numbers.

## How would extending eligibility affect access to other programmes?

Children who apply for and are granted FSM will become eligible for other programmes such as the Schools Essential Grant. This would represent an additional but very small cost to Welsh Government, but would make a significant

difference to children living in poverty. For children registering for FSM, schools and their pupils would also benefit from increased payments under the Pupil Development Grant.

## Shouldn't we ask instead for universal rollout of FSM in secondary schools?

While we support universal Free School Meals in secondary schools, children affected by NRPF cannot afford to wait for the implementation of such a scheme. It is vital that children in poverty get the help – and the food – that they need now.

**We are calling for Welsh Government to quickly and permanently extend eligibility for free school meals to children with NRPF.**

This would bring eligibility for FSM in line with UK government provision in England and is the only way to protect children's rights, provide equitable access, and ensure that **no child** goes hungry in school.

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<sup>1</sup> What Am I Supposed to Do? Living with no recourse to public funds in the Nation of Sanctuary, Bevan Foundation, 2024, <https://www.bevanfoundation.org/wp-content/uploads/2024/02/Living-with-NRPF-in-the-Nation-of-Sanctuary-V2-FINAL-REPORT.pdf>

<sup>2</sup> StatsWales, Pupils eligible for free school meals by local authority, region, and year <https://statswales.gov.wales/Catalogue/Education-and-Skills/Schools-and-Teachers/Schools-Census/Pupil-Level-Annual-School-Census/Provision-of-Meals-and-Milk/pupilseligibleforfreeschoolmeals-by-localauthorityregion-year>

For further information, please contact:  
[lsata.kanneh@bevanfoundation.org](mailto:lsata.kanneh@bevanfoundation.org)

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