

## Free School Meals and no recourse to public funds in Wales – a briefing

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.

### Are Free School Meals a public fund for immigration purposes?

Immigration restrictions on public funds do not include FSM. Children of migrants not in receipt of asylum support but restricted from accessing public funds (most migrants without settled status), are not eligible for free school meals in Wales.

### What are our concerns?

Bevan Foundation research indicates that 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> Restricting eligibility for FSM on the basis of a parent's immigration status results in indirect discrimination on the grounds of race.

- Children are going hungry while their peers are fed. Children with no recourse to public funds are not eligible for FSM in Wales even if their household income is zero.
- Restricted eligibility for free school meals does not depend on the immigration status of the child. It depends on the status of the parent.
- In a study of NRPF by the Unity Project in 2020, 90% of families responding had at least one British child, 95% of whom were black and minority ethnic children. None would be eligible for free school meals under current rules in Wales.<sup>2</sup>
- There are huge restrictions on support for children living in poverty who are subject to NRPF. Even child benefit is withheld. Free school meals are not a public fund and could be a valuable resource in tackling poverty where children have NRPF.
- Lack of access to FSM restricts access to the School Essentials Grant. Children with NRPF are eligible for this but usually cannot access it where not in receipt of FSM.
- In its NRPF Guidance, the Welsh Government urges local authorities to use their discretion not to charge children who have no recourse to public funds for FSM. Our research shows that this discretion simply is not working.

### Why doesn't discretion work?

Our research found that even where local authorities believe they are exercising discretion, because of the way in which information is shared and applications administered, many children from low-income households cannot access FSM:

- Local authority websites often do not include information re: discretionary provision.
- Application processes often require evidence of receipt of benefits to which people with NRPF are not entitled.

- Some local authorities think they are exercising discretion when they are in fact offering free school meals to children on asylum support or unaccompanied asylum-seeking children, who are already entitled to free school meals.
- Many parents with no recourse to public funds are afraid of accessing FSM in case they accidentally access a public fund and damage their immigration status. It is vital that FSM become a clear entitlement, not a discretionary support.

### Doesn't the universal primary roll-out of FSM address the issue?

The roll out of universal primary free school meals is a significant step in ensuring that no child in Wales goes hungry. It is not the whole journey. In secondary schools, beyond the universal roll out, many children of migrants are still missing out at lunchtime. Some families in our study spoke of the pain of knowing that one child was getting a meal at school, while an older child in secondary school, or a sibling attending a school in another authority, was going hungry.

### What is the situation in other parts of the UK?

In England, children with NRPF have been eligible for free school meals since 2020. At first this was an emergency Covid-19 measure. The UK government permanently extended eligibility under a policy change in March 2022. Eligibility is subject to maximum household income thresholds of between £22,700 p.a. to £34,800 p.a. In Northern Ireland and Scotland, children with NRPF are not eligible for FSM, though there is some council discretion.

### What needs to be done?

FSM are a vital tool in tackling child poverty and ensuring that no child goes hungry in school. We estimate that Welsh Government policy on FSM and NRPF restricts approximately 1,500 children in secondary schools from accessing free school meals they need, and consequently the School Essentials Grant.<sup>3</sup>

## **We are calling for the Welsh Government to permanently extend eligibility for free school meals to children with NRPF in Wales.**

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> We include statistics on British children to highlight inequity, but we believe that **all children** have a right to food, regardless of their immigration status or that of their parents.

<sup>3</sup> Based on proportions likely to be living in poverty and attending secondary school of estimated nos. of children with NRPF or irregular migration status living in Wales (source figures from Migration Observatory and Dr. Jo Wilding). Rounded to nearest 100. Further information available on request.