

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD3146

Title: Primary School Universal Free Schools Meal Provision 2023-2024

Executive summary:

This Mayoral Decision (MD) seeks approval to fund a grant scheme open to all local authorities in London. This funding will help up to 270,000 primary school children in the capital's state-funded schools in school years 3-6 who are not currently eligible for free school meals (FSM), including academies and state-funded special schools and Alternative Provision (AP). This could save families an average of £440 per child across the year. This is in response to the cost-of-living crisis and needs to be in place for September 2023.

Funding will also be offered to those boroughs who already fund universal free school meals (UFSM). All children in state-funded schools who are in Key Stage (KS) 1 (Reception to Year 2) are entitled under existing legislation to a UFSM offer.

Currently for KS2 (Year 3 – Year 6), children eligible for FSM are those who live in households on universal credit earning less than £7,400 a year (after tax and not including benefits), regardless of the number of children in the family. This scheme is not intended to displace national government funding for KS2 children already in receipt of FSM, so eligible children will be all pupils in KS2 not currently eligible for FSM. The funding is to address the cost-of-living crisis and is to cover the costs of meals within term time for the September 2023 – July 2024 academic year. The policy has been developed to replicate national government eligibility criteria for KS1 so that the policy can be extended to incorporate eligible children in KS2 as well.

The Mayor is asked to approve the expenditure of £135m to deliver the UFSM programme to London primary state-funded schools, (including academies and state-funded special schools and AP).

Decision:

That the Mayor:

1. approves the expenditure of up to £129,900,000 to deliver UFSM to KS2 children within London state-funded primary schools for the 2023-24 academic year (budget approval of £130m under cover of MD3103), to cover grants of varying amounts to be allocated to local authorities and delivered to schools, depending on the number of eligible primary-school children in the borough
2. approves the final funding allocations to London boroughs and the payment model outlined in paragraphs 2.6-2.14, after having taken into account the Equality Impact Assessment which can be found at Appendix A
3. approves the expenditure of £5m (funded from the GLA Revenue Grants Unapplied reserve) to act as a contingency for any extraordinary costs associated with implementation including specific access requirements for some groups of children in certain extraordinary and specific circumstances such as children with special educational needs and disabilities (SEND), and pupils who may have specific dietary requirements in connection with their religion or belief
4. approves the expenditure of up to £100,000 (from the budget outlined at Decision 1) to conduct an evaluation of the UFSM project
5. delegates authority to the Executive Director of Communities and Skills to make programme-level decisions via a Director Decision (DD) form (a DD form will provide more detail on the contingency fund), in consultation with the Deputy Chief of Staff and the Deputy Mayor for Children and Families.

Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Date:

11/7/23

PART I – NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

- 1.1. The Mayor of London believes that all primary school children in state-funded schools, including state-funded special schools and AP, should have access to FSM. In February 2023, the Mayor announced a historic £130m emergency, one-off funding plan to help families with the spiralling cost of living by ensuring that primary school children in state-funded schools in London receive FSM in the next academic year. [MD3103](#) approved the Mayoral budget for 2023-24, which included £130m for UFSM.
- 1.2. Experts across the country have called on national government to provide FSM to all state-funded primary school children across the country but this has not been delivered. The Mayor of London is therefore taking action. This emergency provision has been proposed in light of the growing pressures on families.
- 1.3. Research has shown that in England hundreds of thousands of schoolchildren live in poverty but do not receive FSM due to the restrictive eligibility criteria and lack of universal provision. All children in state funded- schools are entitled under existing legislation to a universal school meal offer from Reception to Year 2. However, currently a household on universal credit must earn less than £7,400 a year (after tax and not including benefits), regardless of the number of children in the family, to be eligible in years 3-6. This means that many children from working families in poverty are not entitled to FSM. Providing UFSM not only removes the stigma associated with means-testing but also helps improve take up overall of the national government offer.
- 1.4. This funding will help up to 270,000 additional children from state-funded primary schools, including state-funded special schools and AP, across the capital to receive the Mayor's UFSM offer and could save families around £440 across the year.
- 1.5. This emergency funding is for the 2023-24 academic year only (which spans two GLA financial years). By funding a one-off scheme, the Mayor will directly impact hundreds of thousands of children this year and will help to inform thinking on how to embed a sustainable model for UFSM in the future.
- 1.6. Recent polling released by the Children's Food Campaign has found that 66 per cent of UK adults think all children in primary schools should receive a free school lunch, which increases to 72 per cent with reference to the cost of living.
- 1.7. Research suggests that making FSM universal helps reduce stigma and boosts take-up of the government FSM offer among families who need them most. In the context of a cost-of-living crisis, benefits will also be felt among those who may be experiencing financial hardship. In Newham, the take-up of school meals rose from 45 per cent to 90 per cent following the introduction of UFSM.
- 1.8. The evaluation of the Newham's UFSM pilot showed that free school meal provision has a significant impact on pupils. Results demonstrated that there were improvements in behaviour, as well as increases in both concentration and educational attainment.
- 1.9. The GLA policy will pay £2.65 per meal – higher than the updated funding for Universal Infant Free School Meals (UIFSM) which is £2.53 per meal¹.
- 1.10. A separate Assistant Director Decision ([ADD2644](#)) approved expenditure of up to £48,000 for the GLA to procure an independent organisation to deliver an Integrated Impact Assessment (IIA). The IIA was commissioned to identify the potential key impacts associated with the proposals for the UFSM roll-out, to avoid and mitigate adverse impacts and to enhance beneficial impacts of the policy. The Equality Impact Assessment (EqIA) is attached as Appendix A.

¹ The government paid £2.41 per meal for UIFSM until the price per meal was changed to £2.53 on 28 June 2023.

- 1.11. The Health Impact Assessment, Environmental Impact Assessment and Economic and Business Impact Assessment will be finalised once all assessments are complete and published on the GLA website in mid July 2023.
- 1.12. Beyond direct communication, the project will include gathering insights from Londoners on an ongoing basis. This insight will help to support schools and boroughs, by communicating with families – in particular to support messaging to families that still need to register for national government FSM – with the aim of mitigating against the risk of a drop in income for schools, where such income is linked to the number of children eligible for FSM under the national government scheme, such as the pupil premium grant.²
- 1.13. In the majority of cases, the local authorities will be acting as responsible bodies for the GLA's grant funding and then providing on-grants to the eligible schools in their area. In turn, those schools will then use the on-granted funds to procure catering services. However, in a limited number of cases, some local authorities will use the GLA's grant funding themselves to procure catering services on behalf of the eligible schools in their area.

2. Objectives and expected outcomes

2.1. The programme objectives are as follows:

- to help mitigate the impact of the cost-of-living crisis by saving London's families up to £440 per child a year; and by ensuring primary school children in state-funded schools, including state-funded special schools and AP, do not go without at least one nutritious meal a day during term time
- to ensure an assessment and evaluation of the impact of the policy has been undertaken and is undertaken on an ongoing basis
- to promote the Mayor's role and commitment to address the impact of the cost of living on families, including other available sources of support.

2.2. The programme outputs are as follows:

- grants to all boroughs wishing to take up the scheme to fund UFSM to all KS2 children attending state-funded schools, including state-funded special schools and AP, who are not eligible for the government scheme
- insight on how Londoners access FSM, and on barriers to registration and take-up, gained through qualitative and quantitative research
- communications campaign to inform schools and raise awareness amongst families, including the ongoing need for eligible parents to register for the national government scheme; this is to mitigate against the risk of a drop in income for schools, where such income is linked to the number of children eligible for FSM under the national government scheme, such as the pupil premium grant
- IIA report outlining areas impacted by the proposed policy and potential impacts to mitigate
- robust evaluation that will support work undertaken by other funding partners, measuring the policy's impact on families' financial circumstances, changes in mental health, education and overall wellbeing.

² The pupil premium grant is funding to improve educational outcomes for disadvantaged pupils in state-funded schools in England.

2.3. Expected programme outcomes are as follows:

- London's primary-age children (year 3-6) attending state-funded schools (including state-funded special schools and AP), who are not currently entitled to FSM provided by the national government, will have access to at least one nutritious meal a day during term-time, with associated benefits to their health and educational performance
- improved awareness and encouragement to take up existing schemes to support London families during the cost-of-living crisis
- some of the impacts of the cost-of-living crisis are mitigated – these include increased household food security; decreased indebtedness; and changes to household food purchasing behaviours
- FSM and poverty-related stigma and shame are reduced.

2.4. Partnership working is vital to the successful expansion of primary FSM and leaders across the city have been regularly engaged in the implementation of the scheme. To date, engagement with stakeholders has included close work with London Councils; London borough leaders and officers; schools, caterers and unions and other existing networks. Engagement activities with stakeholders have included:

- regular written updates
- task and finish groups, roundtables, and the Partnership Advisory Group³
- borough and school intelligence gathering via a survey
- in-depth interviews with schools
- discussions with stakeholders to inform the EqIA
- public polling and insights work.

2.5. Proposed plans for future engagement include:

- knowledge sharing with boroughs/schools via webinars
- knowledge sharing via toolkit
- school intelligence gathering via survey
- webpages.

Breakdown of deliverables and costs

- 2.6. Up to £129.9m of the UFSM budget will be allocated to boroughs for delivery and implementation of the scheme. Final funding allocations for UFSM are based on the number of pupils at KS2 on census day in January 2022 (minus the number who are eligible for the national government FSM offer). The GLA will pay £2.65 as the price per meal, meaning the total expected number of pupils eligible for UFSM in each borough has been multiplied by £2.65 per day in the academic year (190 days) to finalise allocations with an assumed 90 per cent uptake.
- 2.7. Funding will be allocated to the five London boroughs that currently provide USFM to their primary pupils as if they were not currently providing this function. The proposed allocation to these

³ The Partnership Advisory Group provides guidance and expert input into the development and implementation of the UFSM policy. Membership includes representatives from each borough from across London.

boroughs has been worked out in the same way as others, and the intention is to encourage them to use the offset funds to support families in financial hardship as a result of the cost-of-living crisis.

- 2.8. Boroughs will be funded on the basis of an assumed 90 per cent uptake rate. Evidence suggests that 90 per cent take-up would be at the very top end of expectations. The proposed funding mechanism is that boroughs will receive 50 per cent of their initial allocation upon receipt of a signed grant agreement. Following this, a further 25 per cent will be made available in December 2023 and April 2024 respectively.
- 2.9. Each borough will have the opportunity to secure additional funding if they can evidence that uptake of the scheme has exceeded 90 per cent. This extra funding will be reviewed on a borough-by-borough basis according to uptake of the scheme. Evidence suggests a 90 per cent threshold is unlikely to be surpassed.
- 2.10. The Mayor allocated £130m funding in response to the cost-of-living crisis, in February 2023 – when it became clear that final council tax and business rate returns from the London boroughs and the City were higher than forecast. That funding allowed for a flat per-meal rate for all eligible KS2 children across the city; this is the basis on which the government funds its FSM offer, and is considered to be a reasonable basis for the policy
- 2.11. The findings of the EqIA and supplementary analysis in relation to independent schools which was subsequently commissioned has found that there are some costs associated with the specific access requirements for some groups of children in some specific circumstances such as SEND, and pupils who may have a specific dietary requirement in connection with their religion or belief. A contingency fund will be used to address this.
- 2.12. A Director Decision (DD) form will provide more detail on the contingency fund, as per the delegation outlined at Decision 5. A contingency fund will be allocated for specific and extraordinary costs associated with implementation of the scheme and children's access thereto, associated with the findings of the EqIA and the supplementary analysis.
- 2.13. In the event that boroughs are able to evidence above 90 per cent take-up, and additional budget is needed beyond the £5m, additional funds will be sought through the 2024-25 budget setting process (see finance comments in section 5, below).
- 2.14. The grant conditions stipulate that the funding must be spent on delivery and implementation of the scheme, but the GLA will not require detailed evidence of expenditure.
- 2.15. Up to £100,000 has been allocated for the UFSM programme evaluation, the primary objectives of which are to:
 - establish whether the UFSM policy achieved its primary goal of alleviating the pressures that families face from general increases in cost of living, including food-price inflation
 - determine the extent to which the guiding principles for the policy were adhered to during implementation
 - identify whether UFSM has an effect on the uptake of FSM national government funding in primary school children, and specifically children from the most deprived backgrounds
 - undertake an economic evaluation of the policy (potentially a cost benefit analysis) to contribute to the existing evidence base on FSM.
- 2.16. In order for decisions relating to this funding to be taken in a timely manner and for funding to be successfully claimed in advance of the new academic year, it is proposed that the Mayor delegates authorisation to spend to the GLA's Executive Director of Communities and Skills (in consultation with the Deputy Chief of Staff and the Deputy Mayor for Children and Families). DD forms will be

drafted to include further detail on the evaluation provider and the evaluation approach, as well as the £5m contingency.

Communications activities

- 2.17. Messaging to boroughs, schools, families and other stakeholders is being developed in partnership with internal and external colleagues in order to communicate the Mayor's policy, engage stakeholders and keep families informed.
- 2.18. Shared learning from schools and boroughs who have developed mechanisms for addressing a range of challenges is being facilitated through a series of webinars. Examples include sharing good practice on how to increase registration by parents who are eligible for FSM under the national government scheme to mitigate against any loss of income for schools where it's linked to UFSM eligibility. This will also cover dietary requirements associated with faith and different cultural requirements.
- 2.19. Practical communications resources (e.g. templates, copy, digital assets), best practice guidance and branding guidelines are being shared with schools and boroughs via online dedicated hubs for each.
- 2.20. Direct communication from the Mayor to families will be circulated to boroughs and schools in July 2023 and subsequently, to ensure families are informed and understand the importance of registration.

3. Equality comments

- 3.1. Section 149(1) of the Equality Act 2010 provides that, in the exercise of their functions, public authorities – of whom the Mayor is one – must have due regard to the need to:
 - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.2. The Mayor allocated £130m funding in February 2023 in response to the cost-of-living crisis, when it became clear that final council tax and business rate returns from the London boroughs and the City were higher than forecast. That funding allowed for a flat per-meal rate for all eligible children across the city – this is the basis on which the national government funds its FSM offer, and is a considered to be reasonable basis for the policy.
- 3.3. The findings of the EqIA in summary are set out below:
 - The Mayor of London proposes a one-off £130m of funding to provide all primary (year 3-6) state-school children in the capital universal free school meals during term time for the 2023-2024 academic year. This would benefit up to 270,000 extra primary school children and save families in London around £440 per child across the year. The aim of the scheme is to help families with the rising cost of living, as well as reducing the stigma associated with FSM.
 - The EqIA looks at the potential impacts on groups with protected characteristics and then identifies the potential effects arising from that impact. This EqIA aims to systematically identify and assess the potential impacts and effects, both positive and negative, and identifies areas for mitigation of any negative effects identified or enhancement of any positive effects, arising from the proposed policy, for people sharing one or more protected characteristics as defined by

the Equality Act 2010. These protected characteristics comprise; age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. Socioeconomic inequality of itself is not currently a protected characteristic under the Equality Act; however, the assessment has considered the potential effects of the strategy for people on the basis of socioeconomic status.

- The proposed policy is assessed as potentially having the following positive effects for a range of groups having protected characteristics:
 - In relation to the protected characteristic of age, it is anticipated that there would be positive benefits for nutrition, mental health and wellbeing, and academic learning and attainment. This would bring most benefits to the recipient age group (7-11) but is also likely to extend beyond this group, bringing benefits to other family members including older and younger children, and parents, as a result of freeing up financial resources to spend on food for other family members.
 - Through universal provision of FSM, it is anticipated that the stigma around receiving FSM would be reduced. This would bring benefits for mental health. This benefit would be more prevalent amongst low-income families who may be struggling with the cost-of-living crisis. The data set out in the full report indicates that pupils from Black or mixed ethnic groups (as defined by the Census) are, disproportionately more likely to be eligible for FSM, and therefore more likely to be subject to the associated stigma.
 - It would also make it easier for those who meet the eligibility criteria for FSM, but do not currently claim it due to issues with navigating the system or completing the necessary forms, to receive this benefit. This is likely to include those from ethnic minority groups for whom English is not their first language.
 - For those that are currently struggling with the cost-of-living crisis or who are living in relative poverty, but who do not meet current eligibility criteria for the national government scheme, universal provision will help to ease financial struggles and ensure that children receive a good quality, nutritious meal. This includes those in low-income families and those with protected characteristics. This is particularly an issue in London where living costs (particularly rents) are higher.
 - The receipt of a FSM may have benefits for improving attendance through both reduced health-related absence and access to a free lunch as a motivating factor.
- The EqIA also identifies areas for further work or consideration with regard to the proposed policy including aspects such as mitigation or future monitoring. Some of these recommendations relate to the current proposed policy for the 2023-24 academic year; others relate to potential for learning, or longer-term considerations should the policy extend beyond the current academic year. These include:
 - The need to address concerns about whether a UFSM policy will meet the dietary needs and requirements for all faith groups, particularly for those pupils within non-faith schools; and whether this will affect take-up, and hence the financial benefits, amongst these faith communities. Advice on best practice to schools will help to mitigate this.
 - Some concerns also exist over the price point of £2.65 per child and whether this is enough to cater for certain faith groups dietary needs, including Halal meals for Muslim people and Kosher meals for Jewish people. Several recommendations have been made in the EqIA (see Appendix A) as to how this issue might be addressed, including an increase in the range of vegetarian and fish options offered to suit a greater range of cultural/faith needs; and analysis of additional funding that would be required to meet the needs of faith communities. It is also recommended that monitoring is undertaken around the number of children, by different faith groups, taking up UFSM.

- Similar issues exist around the dietary needs and requirements, and price point, for meals for children with special education needs and disabilities (SEND) and SEND schools. Some of these children are more likely to have specific dietary needs this is described in more detail in the EqIA. Recommendations to address this include contingency funding for any extraordinary costs that are a barrier to children accessing the scheme. Full details of the SEND schools are provided in the full EqIA.
- Concerns also exist around whether UFSM will reduce the number of FSM sign-ups by those eligible for FSM. This could potentially impact on pupil premium, with potential repercussions for school's financial resources. Grant conditions for schools have tried to address this by encouraging consideration of best practice in promoting registration (and the benefits to schools) including models where all parents are required to complete registration, which would capture those eligible for UFSM and pupil premium.
- Concerns have also been identified through the assessment about potential 'drop-off' impacts at the end of the one-year pilot period if household finances have adjusted to a 'new normal.' This means that families eligible for national government funding may miss out by not claiming because the FSM has become a universal offer and they are unclear that they still need to claim.
- Full details of proposed mitigating actions are set out in the full EqIA (see Appendix A).

Independent schools

- 3.4. As set out above, the Mayor allocated £130m as part of the budget-setting process for 2023-24, for the provision of a Mayoral offer for UFSM to KS2 (year 3-6) children in the state sector, including special schools and AP, who are not entitled to funding for FSM under the national scheme. The Mayor's UFSM scheme was designed for the state-funded sector, as it was intended to be additional to the national FSM scheme overseen by the national government, extending it in line with the parameters set by the national policies for FSM and UFSM (covering state funded schools only, and not non state-funded or fee-paying independent schools). This is to ensure that children can benefit quickly from this emergency measure. This is a limited pot of money that is not extensive enough to cover every child in London; therefore the policy has identified children in state-funded schools as most in need, above those schools who charge fees or receive alternative income for pupils which could be used to pay for meals.
- 3.5. After the announcement about the Mayor's proposal to include funding for FSM, submissions were received from representatives of some children in the Charedi community, seeking expansion of the Mayor's UFSM programme to such children who attend independent faith schools in Hackney.
- 3.6. The representations raised by the Charedi community include the following:
- The majority of Charedi children in London attend independent faith schools (around 78.7 per cent).
 - It is said that attending independent faith schools is integral to their religious identity and beliefs. Although Charedi children can attend maintained educational settings, in practice most families opt to send their children to independent settings.
 - All such independent faith schools are charitable institutions funded by parents and the community; they therefore charge lower fees than comparable independent schools.
 - Admission is not generally denied to any child if their parents are unable to pay these fees. Many such families are unable to pay any school fees. It has therefore been suggested that that these independent faith schools should be distinguished from private schools.

- The representatives have said that the average Charedi household size is almost two-and-a-half times the size of the UK average household; the cost of Kosher food is over two-and-a-half times the cost of non-Kosher equivalents.
 - They also have said that families in these communities often have minimal savings, and receive housing benefits and tax credits. Such families are facing financial hardship due to the cost-of-living crisis, specifically the rising costs of Kosher food products.
- 3.7. The non-state funded sector is made up of schools that are fee-paying. The majority of children attending such fee-paying schools are provided with a school meal and this forms part of the fees that are paid for children to attend these independent schools.
 - 3.8. Across London, there are a number of independent faith schools that are fee-paying. Many of these provide meals for their pupils; this is covered by the fees paid for children to attend these schools. There is no central register showing inclusion of meals in the school fees; a sample method analysis shows that most (but not all) independent schools include the costs of meals in their termly fees. Other schools request that parents keep a meals account topped up with funds, which pupils can draw on by swiping a card each day.
 - 3.9. The GLA has received representations from the Charedi community that while their schools are fee-paying the fees are modest; the schools are charitable institutions; and children will not be prevented from attending based on their parents' ability to pay. However, school meals are not provided to children attending as part of the package of benefits unlike other independent schools.
 - 3.10. The representations provided by the Charedi community about its schools have been considered. Consideration has been given to whether the UFSM policy should be extended to include the provision of FSM to some independent schools, such as those serving the Charedi community. It is acknowledged that the information provided on behalf of this community suggests that some families of children in these independent faith schools are unable to pay school fees, live in larger than average sized families and receive housing benefits and tax credits.
 - 3.11. To assist with the Mayor's decision, the following section sets out the key findings and summary of the supplementary analysis undertaken in supporting this policy and the actions that will be taken to respond to these needs.
 - 3.12. This analysis relates to independent schools that are registered with the Department for Education (DfE) and meet the requirements of the Education (Independent Schools Standards) Regulations 2014.
 - 3.13. Education establishments that are not registered with the DfE are out of scope for both this analysis and any consideration of extending the Mayor's expansion of FSM. This is because it is against the law to run an independent school that is not registered with the DfE.
 - 3.14. This analysis notes that within the independent school sector, there are different categories of independent schools. These can broadly be defined as "association" and "non-association" schools, and are regulated by either Ofsted or the Independent Schools Inspectorate, which has been approved by the DfE. Ofsted regulates "non-association" independent schools, while the Independent Schools Inspectorate regulates "association" schools.
 - 3.15. Within these broad categories relating to the regulation of the schools, there are further subcategories of independent schools, including independent special schools and independent faith schools.
 - 3.16. Independent schools, including independent faith schools, do not have to teach the National Curriculum, but they must meet minimum standards set out in regulations.

Key findings of the supplementary analysis

- 3.17. It has been found that 79 per cent of children aged 7-11 at independent schools in London (40,839 children) attend a school with no religious character.
- 3.18. For the 2022-23 academic year, there are 76 registered independent faith-based schools in London. These schools have 10,949 primary-school pupils aged 7-11. Of these, approximately 50 are strictly Orthodox Jewish schools.
- 3.19. According to the most up-to-date reliable data, there are similar numbers of Jewish pupils in mainstream (both state-maintained and independent) Jewish schools, as there are in strictly Orthodox (both state-maintained and independent) Jewish schools. As noted above, numbers for children in the Charedi community are different.
- 3.20. The independent sector is made up of schools that are fee-paying. There is limited evidence for the scale of fees that are charged. Analysis which was conducted via a web search has found that some independent faith schools charge circa £7,000 a term, while the Independent Schools Council has found the average day school term fee in London is circa £6,000 a term. In all instances, these fees are largely paid for by the parents. No comprehensive full central data collection of fees could be found; and not all schools advertise their fees.
- 3.21. Independent schools do not generally receive state-funding. Nor are they bound by any conditions of national government like following the National Curriculum, which means such schools are not subject to cost pressures associated with that. However, it is recognised that some cost pressures may be incurred by parents who are no longer able to financially afford to pay fees.
- 3.22. There is no central register showing inclusion of meals in the school fees; a sample method analysis shows that most (but not all) independent schools include the costs of meals in their termly fees. Other schools request that parents keep a meals account topped up with funds, which pupils can draw on by swiping a card each day.
- 3.23. The majority of children attending such fee-paying schools are provided with a school meal and this forms part of the fees that are paid for children to attend these independent schools.
- 3.24. Across London, there are several independent faith schools that are fee-paying. Many of these provide meals for their pupils; this is covered by the fees paid for children to attend these schools.
- 3.25. The majority of independent schools, including high fee-paying independent schools, independent faith schools, and others, such as independent Charedi community schools, offer bursaries or scholarships against fees for pupils from lower socio-economic backgrounds. In all instances, these bursaries can cover the total cost of admission fees for a pupil from a lower socio-economic background.
- 3.26. In 2022, the government stated that 50 per cent of independent schools had charitable status, while in 2023 the Independent Schools Council found that 70 per cent of their independent schools had charitable status. The data does not exist to break this down to regional level. Moreover, of those circa 50 schools that are known to be strictly Jewish Orthodox in the UK, there are about 40 independent schools with a Jewish faith designation, although inspection evidence suggests that around 60 schools have an Orthodox Jewish character. They are concentrated in the Hackney, Haringey and Barnet areas of London, with a smaller group in Greater Manchester.
- 3.27. There is no central register listing whether an independent school is an independent school or is a limited company or a charity, or, what fees they charge.
- 3.28. Inequality and poverty are higher amongst pupils attending state funded schools, compared to children in the independent sector.

- 3.29. Although anecdotal evidence exists, there is no reliable data to assess the socioeconomic background of the children who attend strictly Orthodox Jewish schools. It is therefore difficult to ascertain the impact the cost-of-living crisis is having on Charedi children and how this differs from other children attending other independent schools, including children from lower socio-economic backgrounds who attend on means-tested scholarships. But it is recognised that a lack of available data does not mean that they are not affected by the cost of-living crisis.

Extending UFSM scheme beyond state funded schools – complexity of issues

- 3.30. This policy is an emergency measure to support families through the cost-of-living crisis. Due to the nature of the pressures on families this needs to be in place as quickly as possible and reach as many pupils as possible. The Mayor is asking local boroughs and schools to deliver this policy.
- 3.31. Any decision to extend this scheme to the independent sector would mean the implementation of the scheme would be significantly more complex, and likely delayed. This would also add additional and extensive burden on local boroughs many of whom do not have dedicated teams to deliver FSM policies so would be added unmanageable extra burden to officers in local boroughs.
- 3.32. Some of the issues with this are as follows:
- Much of the practical implementation of the scheme will be done by local authorities e.g, handling of funding to schools, liaising with caterers etc. This is possible because of the long-established relationship between councils and schools in their area. These relationships do not readily exist between the local authorities and independent schools, so a wholly different, more time consuming and costly method for implementation would need to be devised.
 - There are no readily available sub-definitions of the independent sector that would easily enable expansion of the scheme to ensure that only families in poverty or who are suffering financial hardship would be able to benefit. This would be complex and would take time to set up – which would significantly delay the roll out of the policy.
 - There are no national food standards for the independent schools and no existing commissioning or contracts between local authorities and fee-paying schools. These would take time to put in place.
 - There are also reports of short-term pressures in the kosher food supply chain that are in need of consideration but this is not feasible as part of the UFSM scheme.
 - Detail of implementation contracts sit with local boroughs not the GLA.
- 3.33. In all cases, the local authorities will be acting as responsible bodies for the GLA's grant funding and then providing on-grants to the eligible schools in their area. In turn, those schools will then use the on-granted funds to procure catering services. However, in a limited number of cases, some local authorities will use the GLA's grant-funding themselves to procure catering services on behalf of the eligible schools in their area. This means that the local authority is responsible for defining the delivery detail of this policy in any greater detail than set out in the GLA grant conditions and guiding principles. Asking boroughs to further extend beyond state-funded schools would add significant extra burden on them, and would delay the start (and in some cases place significant risk to delivery of the whole scheme); this would result in a lot of children not being able to benefit from this emergency measure.

Decision on extending UFSM scheme to independent faith schools

- 3.34. Although consideration has been given to extending the UFSM to independent faith schools such as those attended by some members of the Charedi community, it is not proposed to do so within a one-year intervention. This is consistent with national government policy, which does not provide UFSM or FSM funding to the non-state funded-/ fee-paying independent sector. The proposed

Mayoral policy will not be extending his UFSM policy to any establishment that is not registered with the DfE and does not meet the requirements of the Education (Independent Schools Standards) Regulations 2014.

- 3.35. The Mayor of London is keen to support all families affected by the cost-of-living crisis and has taken further mitigating actions to support them. These are set out in this MD and the section below on mitigating actions. The Mayor is committed to continuing to work with all communities in London and will continue to ensure he works with London boroughs to address needs and further mitigate the impact of the cost-of-living crisis.
- 3.36. This approach has been taken to ensure that as many children as possible can benefit quickly from this emergency measure, without the measure being significantly delayed. This is a limited pot of money that is not extensive enough to cover every child in London. The policy has prioritised children in state primary schools above those schools who charge fees or receive alternative income for pupils which could be used to pay for meals. Primary state-funded schools have been prioritised over other age groups to both align to national government policy but also because of limited funding available.
- 3.37. As set out in the supplementary EqIA analysis, due to the way independent schools are governed and funded, and the limited availability of data on pupils in independent schools (e.g. UFSM eligibility, family income status, pupils with protected characteristics within independent faith schools), there is a lack of evidence to support funding independent schools including the sub-divisions within the independent sector.
- 3.38. It is known that the cost-of-living crisis is peaking now with many families in London affected. This policy has to look to ways to use a limited amount of money in the most efficient way. This policy is an emergency measure to support families through the cost-of-living crisis. Due to the nature of the pressures on families this needs to be in place as fast as possible and reach as many pupils as possible. The most rational and proportionate approach is to extend the existing national government scheme to all primary school children in state-funded schools. The Mayor is asking local boroughs and schools to deliver this policy.
- 3.39. Any decision to extend this scheme to the non-state-funded/fee-paying independent sector would also mean the implementation of the scheme would be significantly more complex, and likely delayed. This would also add additional and extensive burden on local boroughs many of whom do not have dedicated teams to deliver free school meal policies, and would add significant extra burdens to officers in local boroughs.
- 3.40. Consideration has been made that Charedi schools are different to the wider independent sector. The GLA acknowledges the economic hardship some families in the Charedi community face. However, the GLA concluded that extending the policy to the non-state funded independent sector would undermine the deliverability of the scheme.
- 3.41. Therefore, alternative approaches to address these needs will be in place these are set out in mitigating actions below using systems and mechanisms already in place to support these communities and families.
- 3.42. Independent schools are not bound by requirements such as the need to follow the national curriculum, which means such schools are not subject to cost pressures associated with these requirements.
- 3.43. The Mayor has recognised that there is a cost-of-living impact across London including to families with protected characteristics, and further including those outside the state-sector education system – and has responded by providing additional funding and support to local communities through a range of measures set out below at paragraphs 3.46-3.57.

- 3.44. There is no clear evidence that suggests that strictly Orthodox schools – including Charedi community schools – are unique to other schools in the independent sector, in terms of their charitable aims or their approach to the admission of children from lower socio-economic backgrounds. However, the Mayor will seek to support Charedi communities as part of his wider support to families.
- 3.45. Therefore, it is not proposed to extend the UFSM policy to any establishment that is not registered with the DfE and does not meet the requirements of the Education (Independent Schools Standards) Regulations 2014. However, there are other means by which the Mayor will seek to support the Charedi community; these are set out from paragraphs 3.46-3.57.

Mitigations

- 3.46. The Mayor of London recognises that the cost-of-living crisis is having an impact on many communities in London including those with protected characteristics such as faith and religion. He is committed to supporting families who are struggling in London through this difficult time. His one-year emergency policy needs to reach as many families as quickly as possible which is why the policy has followed the national government scope to include only state schools.
- 3.47. One mitigating measure will be to explore a mechanism that seeks to offer support to the Charedi community. This will aim to ensure an evidence-based approach is taken to meet need during this period of exceptional economic hardship. The GLA will also seek to engage other London boroughs as relevant for these purposes.
- 3.48. In recognition of the impact that the cost-of-living crisis is having across all communities in London, the Mayor and the London Borough of Hackney have taken, and will continue to take, several policy measures to assist affected children. These include the following.
- 3.49. Dedicated funding to support holiday hunger – funding has recently been made available to support families with children during holiday periods through the cost-of-living crisis. This is available to the Charedi community. The Mayor has made £3.1m available in emergency grant funding to the Felix Project and the Mayor's Fund for London to deliver the equivalent of 7m meals to families in need across school holidays. Through this project, the GLA and delivery partners are exploring ways for the needs of specific communities to be met. This will include consideration of those families with protected characteristics such as faith and religious groups. In addition, the Mayor has made a further £425,000 available to enable the Felix Project to extend its operations to a six-days-per-week basis. This expansion in operating capacity is expected to further increase the number of meals provided by 3m over the course of the year, and enable the Felix Project to deliver to an additional 100 community partners. Delivery is taking place in every London borough and the GLA is working with partners to ensure provision reaches children and families experiencing the highest level of need and financial hardship, based on assessments of need undertaken by the community partners receiving food supplies. Provision will meet the needs of London's diverse communities with culturally appropriate food made available as far as possible to communities with specific needs.
- 3.50. The Robust Safety Net mission aims that by 2025, every Londoner is able to access the support they need to prevent financial hardship. The mission seeks to bring partners together around a common approach to supporting low-income Londoners and relieving financial hardship where it exists. This mission includes the Food Roots Incubator programme. The mission also works with providers of emergency food aid to meet demand and address the root causes of food insecurity. This work has been given added salience by the emerging cost-of-living crisis.
- 3.51. The original Food Roots Incubator programme ran from May 2021 to August 2022. It supported and invested in 10 local food partnerships to help them strengthen new relationships formed during the pandemic and to encourage them to develop in ways that did not embed emergency food aid as the solution to food insecurity. The 'food partnerships' are (typically) local partnerships that provide support to Londoners experiencing food insecurity and involve local authorities, voluntary and community sector (VCS) organisations, and businesses.

- 3.52. There is funding of £740,000 over 2022-23 and 2023-24 for a second phase of the Food Roots Incubator programme. This is being used to deliver a range of activities to support the sustainability of food partnerships and their constituent food-aid organisations, so they can better support Londoners who need to use emergency food aid.
- 3.53. Kitchen Social: The Mayor's Fund for London is a charity that champions opportunities for young Londoners from low-income backgrounds and will be available to all families with protected characteristics. Kitchen Social is one of their programmes, providing holiday food and activity programmes to reach and support the hardest hit families. Kitchen Social is currently focussed on addressing the growing and serious issue of children and young people facing food insecurity and social isolation outside of term time including evenings and weekends. Currently 83 hubs exist across 24 London boroughs, with leaders from a range of faith groups, youth centres, schools and adventure playgrounds. Since 2017, the Mayor's Fund for London has worked with over 215 community organisations in 28 London boroughs, supporting over 80,000 children and young people by providing over 1.2m nutritious meals. The Mayor will look for opportunities to support communities who have protected characteristics such as faith and religious groups. This will include establishing a new Kitchen Social hub catering to the needs of the Charedi community, located in Stamford Hill. This support will align with existing provision and would be designed with the input of the community.
- 3.54. The Mayor and his officials are committed to continuing to work with the Charedi community to look at further ways to support their needs.
- 3.55. Hackney borough council also run [summer holiday provision sites](#) at several Orthodox Jewish community centres. Hackney Council has also put in place an unprecedented package of financial support and help for the borough's most vulnerable residents to help them overcome the rocketing prices of everyday essentials such as food, clothes, transport and bills. This includes the Household Support Fund. Since April 2023, Hackney Council has been distributing £2.8m of national government funds to support households struggling with the cost of food, clothing, housing, and energy and water bills, including:
- Families with children: The council is working with schools, children's centres and colleges to distribute food vouchers to those entitled to FSM – as well as under-fives and college students in need – during the summer break, ensuring no child goes hungry over the holidays. The Council is also working with community partners to reach families in the Orthodox Jewish community.
 - Senior citizens living in income deprivation.
 - Residents living in temporary accommodation or supported accommodation.
- 3.56. Hackney also offers support paying for food, utilities, household items, travel, and phone and internet access. Residents who have suffered a sudden financial shock or face unexpected costs and require emergency help can apply for the Hackney Council's Discretionary Crisis Support Scheme.
- 3.57. The Mayor of London has also put into place a wide range of support to families across London, which include:
- warmer homes
 - dedicated advice in communities
 - London Living Wage
 - help to navigate the cost-of-living crisis.

4. Other considerations

Key risks and issues

4.1. The key risks and issues are highlighted in the table below.

Risk	RAG*	Mitigation
Claims for pupil premium decrease in schools, reducing funding for schools.	Red	<ul style="list-style-type: none"> • The GLA will provide boroughs and schools with communications guidance for informing families about claiming for pupil premium and will include an approach in the grant conditions. • The GLA will host good practice webinars to share learning across boroughs. • The GLA will closely monitor data showing the number of families registering to identify any changes to these numbers.
Concerns from schools and local authorities around the fast roll-out of the programme, and a lack of capital funding attached to grants.	Amber	<ul style="list-style-type: none"> • GLA officers have established task-and-finish groups to unpick policy challenges and co-create solutions with partners such as boroughs, schools and unions. • The GLA will survey boroughs to ascertain the level of capital/infrastructure pressures. • GLA officers will share good practice from boroughs that are already offering UFSM and have solved some of these challenges. • The Mayor's policy states that preferably hot meals are provided but where infrastructure challenges exist cold meals can be offered. • The £130m emergency funding will go directly to funding school meals at £2.65 per meal; higher than the national government rate of £2.53. This price point is based on the steer gained from our discussions with council officers. Engagement to understand the needs of local authorities and schools in delivering this policy is ongoing. Information has been gathered via a survey, with boroughs asking them to outline what, if any, capacity and infrastructure challenges they may face. Discussions around this have also taken place at task-and-finish groups and the Partnership Advisory Group. • School capacity varies considerably across London and within boroughs. To ensure sufficient support and guidance is provided to schools and boroughs, prior to the rollout of the scheme from September 2023, the GLA will engage with them to understand what support would be most useful. The GLA will be facilitating shared learning from schools that have developed mechanisms for addressing a range of challenges through a series of webinars in May and June 2023. One of these sessions will be focused on capacity management; attendees will hear how schools and boroughs already offering UFSM have overcome barriers to increasing capacity through practical interventions. The GLA will also be sharing practical resources with schools and boroughs on our website, including templates and best practice guidance.

*Red = highly likelihood and/or high impact; amber = medium likelihood and/or impact; green = low likelihood and/or impact.

Conflict of interest

- 4.2. There are no conflicts of interest to note for any of the officers involved in the drafting or clearance of this decision form.

Links to Mayoral strategies and priorities

- 4.3. This programme links to the Mayor's delivery of the Robust Safety Net Recovery mission, which aims to ensure that, by 2025, all Londoners can access the support they need to avoid and alleviate financial hardship. Provision of FSM through this programme will ensure children have at least one meal a day and reduce financial burden on parents.
- 4.4. Primarily this programme seeks to reduce the impact of the cost-of-living crisis on low-income families.

5. Financial comments

- 5.1. Approval is being sought for:

- The expenditure of up to £129.9m to deliver UFSM to London primary state funded schools (including state funded special schools and AP) for the September 2023 academic year (budget approval under cover of MD3103). The funding will cover grants of varying amounts to be allocated to Local Authorities and delivered to schools depending on the number of primary school children in the borough.
- The final funding allocations to London boroughs and the payment model outlined in paragraphs 2.6 - 2.14, after taking into account the EqIA which can be found at Appendix A.
- The expenditure of £5m (funded from the GLA Revenue Grants Unapplied reserve), to act as contingency for any extraordinary costs associated with implementation of the scheme and children's access to the scheme, associated with the findings of the EqIA.
- The expenditure of up to £100,000 to conduct an evaluation of the UFSM project which will come from the £130m UFSM programme budget.
- Delegation of authority to the GLA's Executive Director of Communities and Skills to make programme-level decisions via a DD form (in consultation with the Deputy Chief of Staff and the Deputy Mayor for Children and Families).

- 5.2. The expenditure of £135m will be funded from the UFSM programme budget over the 2023-24 and 2024-25 financial years. Current proposed budget phasing across the financial years, which is subject to change, is £90m in 2023-24 and the remaining £40m in 2024-25. The £5m from GLA Revenue Grants Unapplied reserve in 2023-24 is in addition to the £90m.
- 5.3. The £130m UFSM budget is allocated to boroughs on a cost basis of £2.65 per meal. Funding will be allocated based on the 2022 pupil census data. The budget allocation is based on a 90 per cent pupil uptake. The remaining £5m will be allocated in line with the detail provided in the subsequent DD.
- 5.4. If boroughs can evidence above 90 per cent take-up, additional payment will be made for this. There is not currently scope in the budget for this, but it will be addressed in the 2024-25 budget setting process.
- 5.5. There is sufficient budget within the 2023-24 approved budget to meet the expenditure of £95m within the UFSM programme budget.
- 5.6. The funding allocation in future financial years will be subject to the normal annual budget setting process and is subject to change. The expenditure of £40m in 2024-25 financial year is agreed and

will be confirmed as part of the annual budget setting process. Funding to boroughs for the remaining 10 per cent uptake will be addressed as part of the 2024-25 budget setting process.

5.7. Any contracts that commit the GLA in future years are subject to appropriate break clauses.

6. Legal comments

Power to undertake the requested decisions

6.1. The decisions requested of the Mayor fall within the general powers of the Mayor in section 30 of the Greater London Authority Act (GLA Act) 1999 to do anything which it considers will further any one or more of its principal purposes. Those principal purposes include furthering the promotion of social development in Greater London. Section 34 of the GLA Act also allows the Mayor to do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of any functions of the GLA exercisable by the Mayor. In formulating the proposals in respect of which a decision is sought, officers have complied with the GLA's related statutory duties to:

- pay due regard to the principle that there should be equality of opportunity for all people (section 33(1) of GLA Act)
- consider how the proposals are best calculated to promote the improvement of health of persons in Greater London, promote the reduction of health inequalities between persons in Greater London, contribute towards the achievement of sustainable development in the United Kingdom and contribute towards the mitigation of, or adaptation to, climate change in the United Kingdom (section 30(5) of the GLA Act)
- consult with appropriate bodies or persons (section 32(1) of the GLA Act).

6.2. In taking the decisions requested of him, the Mayor must have due regard to the Public Sector Equality Duty; namely the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010; advance equality of opportunity between persons who share a relevant protected characteristic (race, disability, age, sex, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment) and persons who do not share it; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it (section 149 of the Equality Act 2010). To this end, the Mayor should have particular regard to section 3 (above) of this report.

Procurement of evaluation services

6.3. Decision 4, above, seeks approval of £0.1m expenditure for the purposes of evaluating the UFSM programme. Officers must ensure that any external services, supplies or works required for the project be procured in accordance with the GLA's Contracts and Funding Code (the Code) and with the assistance of Transport for London's procurement team. Furthermore, officers must ensure that appropriate contractual documentation be executed by both the GLA and the relevant contractor prior to the commencement of the required services or the provision of supplies or works.

Grant funding and subsidy control

6.4. Decision 1 above seeks approval for the provision, by the GLA of £129.9m in funding to local boroughs for the purposes of the UFSM programme. The purpose of the funding is the provision of UFSM. There is no direct benefit to the GLA; accordingly, the provision of the funding may be viewed as a grant rather than a contract. Officers are reminded to ensure that they comply with the requirements of section 12 of the Code. Moreover, they must ensure that a written funding agreement be put in place between the GLA and the relevant local boroughs before any of the funding be paid.

- 6.5. The Subsidy Control Act 2022 requires that grant funding comply with its subsidy control principles. As explained in Decision 1 above, the proposed grant funding will be provided to local boroughs in order to fund the provision of UFSM by public schools. Those schools are providing a public service and, accordingly, the funding does not amount to an unlawful subsidy.
- 6.6. It is likely that most, if not all, of the grants will exceed £0.1m. To that end, officers are reminded to register each grant in excess of £0.1m on the Department for Business and Trade's Transparency Database.

Delegation

- 6.7. Any function exercisable by the Mayor on behalf of the GLA may also be exercised by a member of the GLA's staff albeit subject to any conditions, which the Mayor sees fit to impose. To this end, the Mayor may make the requested delegation to the Executive Director of Communities and Skills if he so chooses.

7. Planned delivery approach and next steps

- 7.1. A detailed project plan has been developed, alongside a timeline for each specific deliverable:

Expected milestones	Time-frame
Internal operations and governance set up	Mid-to-end of February – mid-March 2023
Stakeholder Engagement Plan created	Mid-to-end of February 2023
Communications Plan developed	Mid-to-end of February 2023
Policy development	March 2023 – end of May 2023
Grant agreement signatures and commence grant giving process	July 2023
Borough engagement and implementation	June – September 2023
Launch	September 2023
Schools and borough resource hub established	June – September 2023
IIA and evaluation	Final IIA by July 2023; evaluation to commence once scheme launches

- 7.2. The delivery methodology of the programme can be mapped over three phases: internal operations and governance; policy design; and delivery.
- 7.3. The governance structures allow for a continued engagement with boroughs and other core stakeholders throughout policy design, development and implementation. This also allows for learning from previous FSM schemes such as those rolled out in Southwark and Newham, to enable informed decision-making and programme development built on existing knowledge and mechanisms from current provisions.
- 7.4. Policy analysis and development identified other national and international models, as well as key evidence and data. Policy sprints delivered by policy task-and-finish groups generate key options for costing, policy and rollout; and develop grant terms, application processes and grant-giving systems. The policy options also take sustainability into account as a core pillar of the model.
- 7.5. The programme design and delivery will also be informed by an IIA (ADD2644); and will be underpinned by a theory of change and integrated evaluation developed in partnership with a series of evaluation partners.

7.6. The programme will have a communications and engagement plan as a key delivery arm, with regular engagement with borough stakeholders and a regular set of communications in line with core messaging.

Appendices and supporting papers:

Appendix A – Equality Impact Assessment and supplementary analysis

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will be published either within one working day after it has been approved or on the defer date.

Part 1 – Deferral

Is the publication of Part 1 of this approval to be deferred? YES

If YES, for what reason: To align with a mayoral visit and press announcement.

Until what date: 13 July 2023

Part 2 – Sensitive information

Only the facts or advice that would be exempt from disclosure under the FoIA should be included in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – YES

ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

Drafting officer:

Emma Pawson has drafted this report in accordance with GLA procedures and confirms the following:

✓

Sponsoring Director:

Niran Mothada has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

Joanne McCartney has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

Corporate Investment Board

This decision was agreed by the Corporate Investment Board on 3 July 2023.

INTERIM CHIEF FINANCE OFFICER:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature:



Date:

5 July 2023

CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor

Signature:



Date:

5 July 2023