

Guidance for the Temporary Extension of Free School Meals Eligibility to NRPF Groups

Introduction

During the COVID-19 pandemic we are temporarily extending free school meal eligibility to include some children of groups who have no recourse to public funds (NRPF), as follows:

These groups are:

- Children of Zambrano carers
- Children of families with no recourse to public funds with a right to remain in the UK on grounds of private and family life under Article 8 of the European Convention on Human Rights
- Children of families receiving support under section 17 of the Children Act 1989 **who are also** subject to a no recourse to public funds restriction

The above are also subject to a maximum household earnings threshold of £7,400 pa.

We are also temporarily extending to:

- Children of a subset of failed asylum seekers supported under section 4 of the Immigration and Asylum Act 1999

This group is **not** subject to a maximum household earnings threshold.

This extension is temporarily in place to support families facing difficulties due to the current unique circumstances. It covers both children who are attending school and children who are at home.

This guidance explains in further detail who these groups are and how schools are able to confirm their eligibility and award free school meals. Schools and local authorities are **not** able to use the eligibility checking system (ECS) to confirm eligibility for these families.

We are aware that the current circumstances may make it difficult for carers to provide documents. Schools are able to consider alternative forms of evidence and to use their own discretion. Due to the current restrictions, we do not necessarily expect schools to view physical copies of documents.

Time Period

The extension to these groups will take place immediately and will end when schools have reopened and are no longer being required to support children who are self-isolating at home, either due to COVID-19 symptoms themselves or due to a member of the household showing symptoms.

Zambrano Carers

A Zambrano carer is the primary carer of a British citizen child or dependent adult, where requiring the primary carer to leave the UK would force that British citizen to leave the European Economic Area (EEA.)

Criteria for the designation of Zambrano carer are;

- that the carer/parent is not a British citizen
- that the child is a British citizen
- that the carer is a direct relative or legal guardian of the child
- that they have primary responsibility of the child
- that there are no other members of the carer's family in the UK or the EEA who could look after the child.

More detailed information on Zambrano carers is available in the Home Office guidance on derivative rights of residence, available [here](#).

Zambrano carers are able to work, and as such are subject to a maximum household earnings threshold of £7400pa to be eligible to receive free school meals. Please see the below section titled "confirming household earnings" for further guidance on confirming this.

Suggested Evidence

Families should be asked to sign a simple self-declaration as part of their application for free school meals. A sample application form including a self-declaration is included as a download at the bottom of this document, but schools are able to use an alternative if they prefer.

At present, Zambrano carers are not required to apply to the Home Office for confirmation of their status, however many will choose to apply for a derivative residence card to demonstrate their right to reside and work in the UK. As this is not a mandatory requirement, not being in receipt of this card does **not** necessarily mean that the carer does not hold this status.

Article 8 of the European Convention on Human Rights

Article 8 states that everyone has the right to respect for his private and family life, his home and his correspondence.

Carers with leave to remain under article 8 are able to work, and as such are subject to a maximum household earnings threshold of £7400pa in order for their child to be eligible to receive free school meals. Please see the below

section titled “confirming household earnings” for further guidance .

Suggested Evidence

Families should be asked to sign a simple self-declaration form as part of their application. A sample application form including a self-declaration is included as a download at the bottom of this document, but schools are able to use an alternative if they prefer.

Carers who have leave to remain under article 8 will be able to provide a letter from the Home Office granting them leave to remain in the UK and/or a biometric residence card.

Section 4 of the Immigration and Asylum Act 1999

Section 4 allows the Home Office to provide support to a subset of refused asylum seekers who are classed as destitute and meet their criteria.

People receiving section 4 support are not able to work, and as such there is no requirement to confirm a maximum income.

Suggested Evidence

Families should be asked to sign a simple self-declaration as part of their application. A sample application form including a self-declaration is included as a download at the bottom of this document, but schools are able to use an alternative if they prefer.

Carers who are receiving section 4 support will be able to provide a letter from the Home Office or local authority confirming section 4 support and/or an ASPEN card.

Section 17 of the Children Act 1989

Section 17 places a general duty on local authorities to safeguard and promote the welfare of children in need by providing a range and level of services appropriate to those children's needs. A child will be considered in need if they are unlikely to achieve or maintain or to have the opportunity to achieve or maintain a reasonable standard of health or development without the provision of services by the local authority; or the child's health or development is likely to be significantly impaired or further impaired without the provision of such services; or the child is disabled. The support local authorities provide will vary depending on the individual needs of the child/family.

This support is not provided exclusively to people with NRPF – however, the extended eligibility for free school meals is available **only** to families with NRPF.

Some families receiving section 17 support are able to work, and as such are subject to a maximum household earnings threshold of £7400 pa to be eligible

to receive free school meals. Please see the below section titled “confirming household earnings” for further guidance.

Suggested evidence

Families should be asked to sign a self-declaration as part of their application. A sample application form including a self-declaration is included as a download at the bottom of this document, but schools are able to use an alternative if they prefer.

Families receiving section 17 support should have a Child in Need pack from the local authority which lists the support that they will be providing to the family. This is updated and reassessed every 3-6 months. Schools can ask to view a copy of this dated within the last 6 months to verify that this support is being received.

Confirming Household Income

To be eligible for free school meals, the maximum household earnings threshold is £7,400 pa. This equates to £616 per month.

Families wishing to apply will be asked to fill out a simple self-declaration. We suggest asking to view a pay slip, a P60, a bank statement, or a letter from the bank or their employer to further verify this. We are aware that this may be difficult for families to do during the present circumstances, and as such schools are able to use alternative evidence and their own knowledge of the family.

Families who are receiving section 4 support are not able to work, and as such their earnings do not need to be verified.

Providing Documentation

Due to current restrictions and safety precautions, we are happy for schools to view documents via a non-physical method such as email if the family are comfortable and able to provide them in this way.

We are aware that under the current circumstances, it may be difficult for a family to provide the required evidence. We are also aware that teachers and schools are already likely to be familiar with the circumstances of the children under their care. As such, we ask schools to be flexible and to use their discretion when asking for supplementary evidence.

We do not require schools or local authorities to retain copies of evidence provided. Schools and local authorities should advise applicants of their individual data protection regulations and processes and ensure that these are abided to.

Completing the Application/Self Declaration

We have provided a sample application form including a self-declaration that you can provide to carers for confirming eligibility.

Though the form is designed for applicants to complete themselves, we appreciate that individual circumstances may make this difficult and are happy for staff members to assist with the completion.

Use of the sample application form is not mandatory, and schools are welcome to use or create their own self declaration forms if they prefer.

Recording Information

Schools should keep a record of the children in these categories that they are providing meals for, including the group that they fall under. Schools are not required to keep any personal information or any evidence of status that has been provided by families.