

**EXPLANATORY MEMORANDUM TO**  
**THE FREE SCHOOL LUNCHES AND MILK (UNIVERSAL CREDIT) (ENGLAND)**  
**ORDER 2013**

**2013 No. 650**

1. This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
  - 2.1 This Order prescribes the circumstances in which a person (or their parent) in receipt of universal credit is eligible for free school lunches and milk under section 512ZB(4) of the Education Act 1996.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None
4. **Legislative Context**
  - 4.1 Section 512ZB of the Education Act 1996 specifies when pupils are entitled to free school lunches and milk, this includes when they or their parent is in receipt of universal credit in prescribed circumstances.
  - 4.2 This Order prescribes those circumstances as being in receipt of universal credit from 29 April 2013.
5. **Territorial Extent and Application**
  - 5.1 This instrument applies to England.
6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.
7. **Policy background**
  - 7.1 Free school meals are available to low income families, including those in receipt of certain benefits. The introduction of universal credit replaces many of these benefits with a single payment. The effect of this Order is that a family in receipt of universal credit will continue to be entitled to free school meals
  - 7.3 The early initial introduction of universal credit will be restricted to those who would have previously been entitled to income based job seekers allowance and would have been entitled to free school meals.

## **8. Consultation outcome**

8.1 No specific consultation on this Order has been carried out. The Social Security Advisory Committee carried out a general consultation as part of its review of passported benefits under Universal Credit. The overwhelming message from the review was that the provision of free school meals as a benefit-in-kind is critically important, highly valued by educationalists and families alike, and a key element within the benefits system that should be protected going forward. The review can be found at: <http://www.dwp.gov.uk/publications/policy-publications/uc-passported-benefits.shtml>

8.2 As the effect of this Order will merely ensure that a group of people who would previously have been entitled to claim free school meals, retain that entitlement under universal credit, no specific consultation on the Order was carried out.

## **9. Guidance**

9.1 No guidance is necessary. Information will be provided to local authorities and schools to let them know of the amended eligibility criteria for free school meals.

## **10. Impact**

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is minimal impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

11.1 The legislation does not apply to small business.

## **12. Monitoring & review**

12.1 No monitoring or review is necessary.

12.2 Free school meals will be provided by the school or local authority, to those who are entitled and who make the appropriate application. Where a complaint is received from an eligible parent that this is not happening, the Department will take the matter up directly with the relevant school or local authority.

## **13. Contact**

John Dray at the Department for Education Tel: 02077838634 or email: [john.dray@education.gsi.gov.uk](mailto:john.dray@education.gsi.gov.uk) can answer any queries regarding the instrument.