

EXPLANATORY MEMORANDUM TO
THE NORTH YORKSHIRE COUNTY COUNCIL (SCHOOL MEALS) ORDER 2008
2008 No. 3016

1. This explanatory memorandum has been prepared by the Department for Children, Schools and Families (DCSF) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This Order exempts North Yorkshire County Council (the local authority) from section s.512ZA(2) of the Education Act 1996 which requires local education authorities to charge every person the same price for the same item of food. The Order will allow the Authority to operate a two-tier meal charge in their primary schools for a three-year period; with a lower charge (£1.80 instead of £2.00) for siblings where more than one child from a family is regularly taking a meal at a school (including special schools). The Authority expects this to assist hard pressed families in affording nutritionally balanced school lunches for their children which will improve pupil well being, encourage take-up and bring about better concentration and behaviour in pupils in the afternoon and so raise educational standards.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The instrument is being made to implement the Power to Innovate which allows the governing bodies of schools and FE colleges, foundations and local authorities to apply to Ministers to lift regulatory requirements in education legislation for a time-limited period to allow the trial of a specific innovative project that has the potential to raise educational standards and to inform future policy and deregulation of the system as a whole.

5. Territorial Extent and Application

5.1 This instrument applies to North Yorkshire County Council, England.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- *What is being done and why*

7.1 Piloting different approaches to free and subsidised school meals is a key policy area at present. This project will help significantly in assessing how the policy should be developed and in determining whether a change should be made to the law.

7.2 Like the earlier Kingston-upon-Hull Power to Innovate Order (SI 2004 No. 592) which ran for three years to March 2007, the aim of North Yorkshire's proposal is to encourage more children to take a healthy school lunch which will improve pupil well-being and should also, as reported by Hull, bring about better concentration and behaviour in pupils in the afternoon so standards will improve. This project is coherent with other approaches being tested which include the recently announced DCSF/ Department of Health pilots in deprived areas where two authorities will trial free school lunches to all primary school children while in a third the eligibility rules will be extended.

- ***Consolidation***

7.3 Not applicable.

8. Consultation outcome

8.1 The formal consultation by the Authority commenced in June 2008 and included written and oral communications with the Catering Board of Headteachers, Governors and Catering Service Staff; with Executive Members of the Children and Young People's Service and with a group of representative primary school headteachers. The approval of the Schools Forum to the proposed changes and the underpinning funding arrangements was secured in September 2008. In addition, this proposal was included in individual consultation with schools, supplemented by written material and a round of roadshows throughout the County. All schools received standard text detailing the proposals which was then included in tailored letters and/or school newsletters to parents.

8.2 All groups consulted were supportive of the proposals as an attempt, in challenging circumstances, to help those who needed it most. Of over 300 primary and special schools in the Authority, less than 10 objected to a differential charge in principle or considered that a discount of this scale would not be attractive to those parents with low income but not entitled to free school meals. The Authority has acknowledged that the latter would be tested as part of the innovation. Primary headteacher representatives and school administrative staff – whilst supporting the principle of the proposal - sought and received assurances that the administrative arrangements would be made as simple as possible and would not have significant resource implications.

8.3 The Special Educational Needs Consortium has not been consulted on this proposal as there are no specific implications for special schools or their pupils.

9. Guidance

9.1 Not required. Guidance is provided to applicants seeking a Power to Innovate Order which sets out the requirements on project review and analysis, evaluation and

plans for reverting to existing practice at the end of the project if more permanent changes have not been introduced.

10. Impact

10.1 No impact on business, charities or voluntary bodies is foreseen.

10.2 No impact on the public sector is foreseen. The approval of the Schools Forum to the proposed changes and the underpinning funding arrangements was secured in September 2008. Neither individual schools nor the North Yorkshire County caterers will lose income or funding as a result of this project.

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 Power to Innovate projects are closely monitored to assess their impact on educational standards. Applications must include the measures to be used to monitor the effect of projects and must include a broad description of the evaluation strategy. If an application is successful, detailed evaluation plans must be submitted to the DCSF within three months of commencing the pilot. A final report is also required. Where project outcomes show a positive impact on standards, the DCSF will consider whether it would be desirable from a policy perspective to change education law. DCSF publishes an annual report on the Power to Innovate Orders made in each year academic year.

12.2 North Yorkshire County Council will monitor changes to take-up of school meals and changes in take-up from the eligible group. The Authority will also review the operation of the revised administrative arrangements and will assess if the level of discount (initially 20p) should be varied when price changes are considered in 2009 and 2010. The views of the schools, other partners and parents will be sought on their assessment of the impact of the project. It may not be possible to make an absolute distinction between the impact of this measure and other measures being implemented as part of the Authority's strategy to improve pupils' overall performance and, importantly, to narrow the achievement gaps usually attributed to gender, class and specific socio-economic groups. However, the evaluation strategy will seek to identify the impact of the project on standards, behaviour and its overall contribution to Every Child Matters agenda.

13. Contact

13.1 Suzanne Farrell at the Department for Children, Schools and Families Tel: 020 7340 8158 or email: Suzanne.farrell@dcsf.gsi.gov.uk can answer any queries regarding the instrument.