



Briefing paper: Free school meals & immigration policy

About us

Project 17 works to end destitution among migrant children. We work with families experiencing exceptional poverty to improve their access to support.

Sustain: the Alliance for Better Food and Farming advocates for food and agriculture policies and practices that enhance the health and welfare of people and animals, improve the working and living environment, enrich society and culture and promote equity.

Introduction

It costs an average of £437 per year to provide a child with a school meal during term time.¹ This investment in healthy school meals contributes towards improving a child's health and educational outcomes, as well as providing a predictable and guaranteed market for British farmers to sell their produce.²

In order to be eligible for free school meals after the universal free provision (which covers the first three years of primary school) a child's parent or carer needs to be in receipt of qualifying benefits or section 95 asylum support. It has been estimated that hundreds of thousands of children, despite living in poverty, are not currently eligible for free school meals, and are therefore often forced to skip lunch as their parents cannot afford the cost.³ These children include those whose parents have 'No Recourse to Public Funds' (NRPF) and are not able to claim the qualifying benefits,

¹ Long, R. (2017). Briefing paper: School meals and nutritional standards (England).

² https://www.sustainweb.org/childrensfoodcampaign/free_school_meals/

³ The Children's Society. (2018) *Government consultation on eligibility for free school meals and the early years pupil premium under Universal Credit: The Children's Society response* <https://www.childrenssociety.org.uk/sites/default/files/uc-fsm-tcs-consultation-response-9-jan-2018-final.pdf>

as well as children who are no longer eligible due to changes for families receiving Universal Credit.

Over the last few decades the UK Government has signed up to a number of international human rights standards that uphold the right to food, including a number of treaties that recognise the specific protections afforded to children due to their vulnerability, such as the UN Convention on the Rights of the Child.⁴ We believe that in order to uphold its obligations under international human rights law, our Government should ensure that all children, regardless of immigration status or any other characteristic, are able to access food in a dignified way and this should include universal entitlement to healthy free school meals.

No Recourse to Public Funds

What does ‘no recourse to public funds’ mean?

‘No recourse to public funds’ (NRPF) is an immigration condition imposed on undocumented migrants and people who have leave to remain subject to a NRPF restriction.⁵

A person with NRPF cannot access most welfare benefits or social housing but they can access publicly funded services that are not listed as ‘public funds’ for immigration purposes.⁶

Without the safety net of social security, many families with NRPF end up living in destitution and are at high risk of homelessness, exploitation and abuse. Research has found that women, disabled people, pregnant women, and black and minority ethnic children are disproportionately impacted by the negative effects of the NRPF condition.⁷

How many children are affected by NRPF?

The government does not hold data on the number of children affected by NRPF but The Children’s Society found that between 2013-15, over 50,000 individuals with

⁴ Sustain. (2019). *Why we need the right to food*
https://www.sustainweb.org/publications/why_we_need_the_right_to_food/?section=

⁵Section 115 Immigration and Asylum Act 1999
<https://www.legislation.gov.uk/ukpga/1999/33/contents>

⁶ <https://www.gov.uk/government/publications/public-funds--2/public-funds>

⁷ Woolley, A. (2019). *Access Denied: The cost of the “no recourse to public funds” policy*. London: The Unity Project
<https://static1.squarespace.com/static/590060b0893fc01f949b1c8a/t/5d0bb6100099f70001faad9c/1561048725178/Access+Denied+-+the+cost+of+the+No+Recourse+to+Public+Funds+policy.+The+Unity+Project.+June+2019.pdf>

dependents were granted leave to remain with a NRPf condition.⁸ Research also estimates that there are 120,000 undocumented children in the UK and that over half of them were born in the UK.⁹ A significant number of those born in the UK are likely to become British citizens before they reach adulthood.¹⁰

What support can families with NRPf access?

a) Asylum support

Destitute asylum seekers can access accommodation and financial support under Section 95 and Section 4 of the Immigration and Asylum Act 1999.

Support under Section 95 can be provided once a person has submitted their asylum claim until a final decision had been made on their claim. If people are granted refugee status, they can seek employment and access standard benefits. Support levels are very low at £37.75 per person per week or just over £5 a day.

Section 4 support, provided to refused asylum-seekers who meet a narrow set of criteria¹¹, is even lower—£35.39 per person per week alongside accommodation.

Small additional payments are available to pregnant women (£3 a week) and mothers of children under 3 (£5 a week for babies under 1 and £3 a week for 1-3 year olds).

Home Office decision making around entitlement to asylum support can be poor, with decisions on destitution overturned on appeal at a rate of between 60% (2015) and 82% (2008).¹² Asylum seekers can also experience lengthy delays before receiving a decision on their application.¹³

b) Local authority support

⁸ Dexter, Z. et al. (2015). *Making Life Impossible: How the needs of destitute migrant children are going unmet*. London: The Children's Society <https://www.childrenssociety.org.uk/sites/default/files/making-life-impossible.pdf>

⁹ Sigona, N. and Hughes, V. (2012). *No Way Out, No Way In: Irregular Migrant Children and Families in the UK*. Oxford: Oxford University Press https://www.compas.ox.ac.uk/2012/pr-2012-undocumented_migrant_children/

¹⁰ If a child is born in the UK and lives in the UK for the first ten years of their life without extended absences, they can register as a British citizen. Section 1(4) of the British Nationality Act 1981 <http://www.legislation.gov.uk/ukpga/1981/61>

¹¹ ASAP (2018). Section 4 Support. http://www.asaproject.org/uploads/Factsheet_2_-_Section_4_support.pdf

¹² ASAP (2015). A Decade of Disbelieving Destitution. <http://www.asaproject.org/uploads/ASAP-Summary-A-Decade-of-disbelieving-destitution-Oct-2015.pdf>

¹³ Ibid.

Many families with NRPF will not be eligible to claim asylum, but may be eligible to apply for leave to remain on human rights grounds or have already been granted a visa on that basis. They will therefore be unable to access asylum support or mainstream welfare benefits and social housing. In these circumstances, families may be able to access accommodation and limited financial support from a local authority under Section 17 of the Children Act 1989.

Section 17 of the Children Act 1989 places a duty on local authorities to safeguard and promote the welfare of children 'in need' in their area. Under this legislation, families with NRPF may be able to access accommodation and limited financial support from a local authority.

An estimated 5,900 children from families with NRPF across England and Wales received section 17 support in 2012-2013.¹⁴ But the pressures of austerity and cuts to local authority budgets often make it extremely difficult for families to access such support. Home Office policy has pushed the burden of supporting many families with NRPF onto local authorities yet NRPF service provision remains unfunded by central government. As a result, 6 in 10 families who try to access section 17 support are refused and some families are being left street homeless or without enough money to eat or get to school.¹⁵

Even where families can access local authority support, they often continue to live in severe poverty. Financial support provided to families under section 17 varies considerably across the country and is often well below asylum support rates. Project 17's recent report *Not Seen, Not Heard: Children's Experiences of the Hostile Environment* found that rates of financial support can be as low as £11.70 per person per week or £1.60 per day.¹⁶

Free School Meals

How does NRPF impact entitlement to free school meals?

In the UK children in the first three years of primary school are provided with free school meals.¹⁷ But children in Year 3 and above are only able to access free school meals if their parent is in receipt of a 'qualifying' benefit or section 95 asylum

¹⁴Price, J. and Spencer, S. (2015). *Safeguarding children from destitution: Local authority responses to families with 'no recourse to public funds'*. Oxford: Oxford University Press
<https://www.compas.ox.ac.uk/2015/safeguarding-children-from-destitution-local-authority-responses-to-families-with-no-recourse-to-public-funds/>

¹⁵ Dexter, Z. et al. (2015). *Making Life Impossible*

¹⁶ Dickson, E. (2019). *Not Seen, Not Heard: Children's experiences of the hostile environment*. London: Project 17 <https://www.project17.org.uk/media/70571/Not-seen-not-heard-1-.pdf>

¹⁷ UK Government. (2019). *Universal infant free school meals (UIFSM): 2019-2020*
<https://www.gov.uk/government/publications/universal-infant-free-school-meals-uifsm-2019-to-2020>

support. This means that non-asylum seeking families with NRPF and those in receipt of section 4 asylum support are excluded from free school meal entitlement beyond Year 2.¹⁸ This will be the case regardless of a child's own nationality or immigration status.

Some schools provide free school meals to children affected by NRPF out of their own budgets but this is dependent on a school having the funds available. With schools suffering from significant shortfalls in funding, many will be unable to cover this cost.¹⁹

There are also some London boroughs like Southwark, Islington, and Newham that provide universal free school meals to primary school age children in order to ensure that children don't go hungry during school time. This scheme is also targeted at reducing the stigma around not being able to afford school meals that some children who receive free school meals face from their peers.²⁰

A number of schools also provide free breakfast to pupils²¹ but access is often tied to eligibility for free school meals and therefore not all children are able to access this provision.

Earlier this year, Hackney Council took steps to ensure families with NRPF supported under section 17 of the Children Act 1989 could afford school meals. While this represents a good start, it will not reach all of those in need and there are calls for the provision to be extended.²² More recently, Lewisham committed to providing free school meals to children affected by NRPF within its borough, though how this policy will be implemented remains to be seen.²³

What are the benefits of universal free school meals?

Since the introduction of nutritional standards, school meals are now guaranteed to have at least two of a child's five daily portions of fruit and vegetables, along with other essential vitamins and minerals.

This is especially important for families who are living in poverty as they are less able to afford healthy food. In order to follow the Government's Eat Well guidelines one in

¹⁸ <https://www.gov.uk/apply-free-school-meals>

¹⁹ <https://neu.org.uk/funding/school-funding-new-analysis-shows-cut-from-school-budgets>

²⁰ Child Poverty Action Group and British Youth Council (2012) *Going Hungry? Young people's experiences of free school meals*
<https://cpag.org.uk/sites/default/files/Going%20Hungry%20young%20peoples%20experiences%20of%20Free%20School%20Meals.pdf>

²¹ Sustain. (2019). *Beyond the Food Bank: London Food Poverty Profile 2019*

https://www.sustainweb.org/publications/beyond_the_food_bank_2019/

²² <https://nelmacampaigns.wordpress.com/2019/02/03/nelmas-local-victory-in-hackney-a-great-start-but-not-enough/>

²³ <https://www.labourfreemovement.org/lewisham-signals-end-denial-fsms/>

five families would have to spend 40% of their income on food after housing costs.²⁴ This represents even more of an impossibility for families with NRPF who are living in poverty as they will have significantly lower or no income.

The provision of universal free school meals could also promote local and sustainable food production, ensuring that taxes are spent in a way that supports rather than damages the environment and ultimately that public money is spent on public goods.²⁵

Why do children affected by NRPF need access to free school meals?

In accordance with human rights standards, states should ensure that all people within their borders—regardless of their immigration status—are able to access food and other necessities such as healthcare or shelter without any form of discrimination.²⁶ We believe that this means that all children who need free school meals should be able to access them.

Many families with NRPF are unable to afford or access adequate or nutritious food. The Children's Society found that the key drivers of destitution amongst families with NRPF were²⁷:

- Lack of access to free immigration advice and representation
- Relationship breakdown and domestic violence
- Low income or not legally allowed to work due to immigration status
- A crisis in the family (e.g. a death)
- Inadequate and precarious housing, which leads to homelessness
- Lack of access to public funds

As such, families with NRPF are often heavily reliant on food aid, charities, friends, and faith groups. This issue can be further compounded by the fact that families often

²⁴ Scott, C., et al. (2018). *Affordability of the UK's Eatwell Guide*. London: The Food Foundation https://foodfoundation.org.uk/wp-content/uploads/2018/10/Affordability-of-the-Eatwell-Guide_Final_Web-Version.pdf

²⁵ Sustain: The Alliance for Better Food and Farming. *Public Money for Public Goods*. sustainweb.org/foodandfarmingpolicy/public_money_for_public_goods/; New Economics Foundation (2005) *Public spending for public benefit: How the public sector can use its purchasing power to deliver local economic development* https://neweconomics.org/uploads/files/bafccecadede5da071_okm6b68y1.pdf

²⁶ United Nations Office of the High Commissioner for Human Rights. (2010). *The Right to Adequate Food*. New York and Geneva: UN

²⁷ Dexter, Z. et al. (2015). *Making Life Impossible*

live in unsuitable accommodation, such as B&Bs, without access to adequate cooking facilities and storage.²⁸

“I don’t get free school meals. My mum has to pay for my meals but sometimes I don’t eat lunch because like she needs to get money. Sometimes my belly will just hurt.” Jade, age 12, whose mother has NRPF²⁹

In a recent study of food poverty amongst families, *Living Hand to Mouth*, two children whose parents had NRPF reported that “they do not eat at school and sometimes not at weekends. One says he has not had fruit for four months.”³⁰ As well as hunger, children who cannot afford to eat alongside their peers at lunchtime often experience feelings of shame and exclusion.³¹

“It makes me feel really really different, all the other children are having school dinners and I am having nothing.” Joel, age 9, whose mother has NRPF³²

The consequences of food insecurity in childhood can result in both short term and long term physical and mental health problems including poor growth, lower academic achievement, as well as an increased risk of serious diseases such as cancers or heart disease.³³ Research from the University of Leeds found that children found that students who said they rarely ate breakfast achieved nearly two grades lower than those who rarely missed their morning meal.³⁴

²⁸ Threipland, C. (2015). *A Place to Call Home: A Report into the Standard of Housing Provided to Children in Need in London*. London: Hackney Community Law Centre and Hackney Migrant Centre <https://www.hclc.org.uk/wp-content/uploads/2015/12/A-Place-To-Call-Home-Electronic-Report1.pdf>

²⁹ Dickson, E. *Not Seen Not Heard* (2019)

³⁰ O’Connell, R., Knight, A, and Brannen, J. (2019). *Living Hand to Mouth: Children and Food in Low-Income Families*. London: Child Poverty Action Group

³¹ Dickson, E. *Not Seen Not Heard* (2019)

³² *Not Seen, Not Heard: Joel’s Story*

https://www.youtube.com/watch?v=dySK_cuaLF8&feature=youtu.be

³³ O’Connell, R., Knight, A, and Brannen, J. (2018). *Holiday hunger requires radical long term solutions*. London: The BMJ. <https://blogs.bmj.com/bmj/2018/08/15/holiday-hunger-requires-radical-long-term-solutions/>

³⁴ Adolphus, K et al. (2019). ‘Associations between habitual school-day breakfast consumption frequency and academic performance in British adolescents’, *Frontiers in Public Health*, 7 (283) <https://www.frontiersin.org/articles/10.3389/fpubh.2019.00283/full>

Recommendations

1. The extension of universal free school meals beyond the current universal provision so that no child goes hungry during the school day.
2. The abolition of the 'no recourse to public funds' condition in order to safeguard migrant communities from destitution.
3. The development of a right to food framework that includes a legally binding universal right to food alongside broader incorporation of socio-economic rights.
4. In addition to universal free school meals, schools should be funded to provide free breakfasts to all pupils.
5. Policy and contractual requirements for fresh, healthy and sustainably produced food in schools via public procurement measures, as well as helping diverse and sustainable farmers to access these contracts.

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