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FAO Right Hon. Gavin Williamson MP
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By Email:

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Our Ref: DRO/AJG/THE-10061-001

Your Ref:

Date: 4 June, 2020

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(Please ensure that our full reference is quoted when using Email)

Dear Secretary of State

COVID-19/ Free School Meals and the Summer Holidays

1. We are instructed by Sustain and the Good Law Project. Sustain is a membership organisation that works to improve household food security in the UK. It has links to, and works with, other organisations to achieve these aims. It has played a lead role in supporting the emergency food response at all levels – helping to advise national government, local authorities, schools, food aid providers and frontline community groups, especially to help vulnerable people access the food they need. The Good Law Project is a not for profit organisation that seeks to use the law to protect the interests of the public, particularly the most vulnerable.
2. The Government has rightly recognised the difficult situation that many families currently find themselves in. It has, again quite rightly, sought to alleviate some of the worst effects of this for England's poorest children, by for the first time introducing a separately funded voucher scheme for children not at school and extending free school meal provision over the Easter and Whitsun half-term holidays.
3. This letter principally relates to the failure of the Government (to date) to confirm that it will fund free school meals for eligible children over the summer holidays.
4. It is an issue that affects hundreds of thousands of England's most vulnerable children. "Holiday hunger" has been a recognised problem for many years but added to those who

are struggling have been hundreds of thousands of new families, many of whom may never have been eligible for or required free school meals before.

5. As the Secretary of State will know, at least 1.8 million claims have been made to Universal Credit since the pandemic began.¹ There is little sign that the situation will reverse itself in time for the summer break. If anything, it is likely to deteriorate. Cash is being depleted, both by businesses (which leads to further job losses), and by individuals, whose savings are being used up, particularly for those whose outgoings (committed in a pre-COVID-19 world) no longer match their income.

6. In these circumstances our clients are concerned to ensure that the Government takes appropriate steps to ensure that children in England² do not go hungry this summer. As the Government will be aware, our clients are not alone in having these concerns. Indeed, as at the date of this letter, more than 168,000 people have signed a petition calling for the Government not to “abandon children by taking away lunches” during the holiday periods;³ more than 1,600 councillors have urged the Government to extend free school meal provision to cover the holiday period;⁴ the Government has been asked by the Education Select Committee and by concerned MPs as to its intentions over the summer holiday period;⁵ and, on 2 June 2020, leading food poverty charity Feeding Britain wrote to you seeking urgent clarification of the Department's policy for safeguarding disadvantaged children's access to nutritious food over the summer holidays.⁶

¹ These statistics refer to the period up to 5 May 2020: <https://www.gov.uk/government/news/biggest-number-of-new-universal-credit-claims-paid-in-a-single-day>

² The situation is different in the other nations of the UK. This letter only concerns England. Indeed, we note that the Welsh Government has already committed to fund free school meals over the summer holidays.

³ <https://www.change.org/p/boris-johnson-boris-johnson-don-t-take-away-lunches-for-1-3-million-kids-on-free-school-meals>

⁴ <https://actionnetwork.org/forms/local-councillors-letter-to-gavin-williamson-mp>

⁵ <https://committees.parliament.uk/publications/1086/documents/9136/default/>

⁶ https://twitter.com/Feeding_Britain/status/1268442400910979072?s=20

7. However, currently no decision has seemingly been made to (a) extend the voucher regime for free school meals beyond the existing contract expiry date of 21 June 2020 to the end of the school term or (b) extend free school meals over the forthcoming six-week summer holiday.

Free School Meals

8. Free school meals (FSM) are meals provided free at school to certain qualifying pupils. Those who qualify are set out in s.512 and s.512XB Education Act 1996 and various sets of regulations made thereunder. They include those on income support, income based JSA, income-based ESA, Child and Working Tax Credits as well as Universal Credit (UC) if their earnings are below £7,400. All those children who receive FSM are, by definition, from families on low incomes.
9. FSM is a national scheme administered by local authorities and schools. Local authorities and schools administer and verify applications for FSM. The DfE has a record of the number of pupils on FSM at any particular school and makes payments to the school to cover the cost of meals for those children. The payment per child per meal is currently £2.30. The school then uses that money to pay the company which supplies the meals to the school. A small minority of schools do their catering in-house.

The Government's response to COVID-19

10. Only a small minority of children are currently at school. As at 28 May 2020, only 115,000 children attended an education setting,⁷ comprising children on EHCPs, vulnerable children with social workers and children of key-workers. The latter, being children of parents in employment, are less likely to include children eligible for FSM.
11. Although the number of children in school has increased with the return of some Reception, year 1 and year 6 children as of 1 June, many schools have not opened, some parents are reluctant to send their children to school and some schools have constraints

⁷https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/889146/Attendance_in_education_and_early_years_settings_during_the_coronavirus_COVID-19_outbreak_May_28.pdf

which make taking all of the children who are eligible to return more challenging. Some schools that are open are alternating the days that pupils attend school.

12. In the event, most children who are eligible for FSM are not in school and will not return to school anything like full time before the summer, and thus will continue to require an alternative form of meal provision, whether this be prepared meals for delivery or collection, weekly food parcels/hampers, vouchers or cash payments.
13. When the crisis started, following the closure of schools on 20 March 2020, some schools, aware of the impact of the loss of free school meals on families, tried to set up alternative means of providing meals to families. These ranged from food parcels collected at school to ad hoc arrangements with local shops. Government guidance recognised that in these unprecedented times schools needed to continue to support children eligible for FSM who are at home. The current guidance⁸ dates from 28 May 2020 (the Guidance) but this has been the DfE's position throughout.
14. The Government realised that something more scalable needed to be put in place, and also realised that not all schools were in a position to provide food to children at home, this not being a 'core business' of a school.
15. Consequently, the Government announced a scheme whereby a voucher can be redeemed in a number of supermarkets and other shops, and which was administered through schools. It provided the contract to administer these vouchers to Edenred, a company with experience of administering childcare vouchers. The vouchers are worth £15 per eligible child per week. While there were a number of (well publicised) teething problems, the initial backlog of delays in the voucher system have been largely resolved and it is now working effectively for those families for whom it is an appropriate solution.

⁸ <https://www.gov.uk/government/publications/covid-19-free-school-meals-guidance/covid-19-free-school-meals-guidance-for-schools#school-food-contracts>

In practice, 17,000 of England's 24,323 schools had applied for the vouchers at least once up to 12 May 2020, according to the Government's own reported figures⁹.

16. Our clients are also aware that many schools have provided vouchers alongside other food parcels, recognising the scale of household food insecurity and loss of income incurred by children's families, and some have supplemented the provision for families in greater need.

17. The options that schools have in relation to children who have to stay at home are set out in the Guidance as follows:

- a. providing meals or food parcels through your food provider*
- b. using the Department for Education's (DfE) centrally-funded national voucher scheme*
- c. providing alternative vouchers for a local shop or supermarket.*

18. The Guidance also confirms that as schools open more widely they may continue to offer vouchers, if school catering services cannot provide meals or food parcels for children who are at home.

19. Also available to schools is financial support with exceptional costs associated with operating a FSM scheme during COVID-19, such as where schools are providing free meals to children for whom the national voucher scheme is inappropriate (for example, because there are no participating supermarkets locally or schools are providing meals directly).¹⁰

⁹ <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2020-05-12/HL4201/>

¹⁰ <https://www.gov.uk/government/publications/coronavirus-covid-19-financial-support-for-schools/school-funding-exceptional-costs-associated-with-coronavirus-covid-19-for-the-period-march-to-july-2020>

20. We understand from the Government Contract Finder website that the contract with Edenred runs until 21 June 2020.¹¹ It is unclear what will happen from then until the end of term. The assumption, given that most pupils will not be back in school, is that the contract will be extended but, as yet, no decision appears to have been made to that effect.

Holiday provision

21. The economic consequences of COVID-19 on the economy have been severe. The Office for National Statistics (ONS)¹² has estimated that 8.9 million British households have suffered reduced income, 7.3 million have seen a reduction in working hours, 3.8 million have been using savings to cover living costs and 2.6 million have been struggling to cover expenses such as energy and food.

22. As stated above, at least 1.8 million people have applied for Universal Credit since the pandemic began¹³, with pre-COVID patterns suggesting that many are likely to need to resort to food aid in the near future. According to the Resolution Foundation in research published on 16 May 2020,¹⁴ one in eight (13%) of current workers think it is likely they will lose their job in the next three months; more than one in seven (15%) believe they will be furloughed; and nearly a quarter (23%) think their hours will be reduced. The same data shows that job and hours losses are much more common among lower-earning employees.

¹¹ <https://www.contractsfinder.service.gov.uk/Notice/5130d4a0-c89d-4b65-aa10-533176893ce9?origin=SearchResults&p=1>

¹²ONS, 'Personal and economic well-being in Great Britain: May 2020': <https://www.ons.gov.uk/peoplepopulationandcommunity/wellbeing/bulletins/personalandeconomicwellbeingintheuk/latest>

¹³ These statistics refer to the period up to 5 May 2020: <https://www.gov.uk/government/news/biggest-number-of-new-universal-credit-claims-paid-in-a-single-day>

¹⁴ <https://www.resolutionfoundation.org/publications/the-effects-of-the-coronavirus-crisis-on-workers/>

23. Moreover, for various reasons the costs of providing food have increased as a consequence of the pandemic. A survey by Which?¹⁵ for example, found that 39% of shoppers reported spending more on groceries as a result of having to buy more expensive brands or products due to lack of choice, 29% as a result of a lack of multi-buy promotions in supermarkets and 26% as a result of using more expensive independent/convenience stores.

24. A report from the Evidence and Network on UK Household Food Insecurity (ENUF), Kings College London and the Food Foundation in April¹⁶ estimated that the number of adults experiencing food insecurity in Britain had quadrupled under the COVID-19 lockdown, with those at risk at poverty (including unemployed people, people with disabilities, people with children and BAME groups) also at particular risk of food insecurity.

25. The economic consequences of COVID-19 have been seen most graphically in respect of an unprecedented increase in food bank use, which is a partial but effective proxy for indicating prevalence of, and trends in, hunger and household food insecurity. Figures released on 3 June 2020 by the Independent Food Aid Network (IFAN)¹⁷ showed that across 112 organisations running 213 independent food banks there had been a 175% increase in the number of 3-day food parcels provided between February and April 2020, as compared with the same period last year, including 98,301 in April 2020 alone. Further figures released by the Trussell Trust¹⁸ showed an 89% rise in provision of food

¹⁵ Which.co.uk, 'Shoppers spend more on groceries since lockdown – but have food prices gone up?', 15 May 2020: <https://www.which.co.uk/news/2020/05/shoppers-spend-more-on-groceries-since-lockdown-but-have-food-prices-gone-up/> - Which?

¹⁶ Rachel Loopstra, 'Vulnerability to food insecurity since the COVID-19 lockdown: Preliminary report', 14 April 2020: https://foodfoundation.org.uk/wp-content/uploads/2020/04/Report_COVID19FoodInsecurity-final.pdf

¹⁷ IFAN, 'Independent Food Bank Emergency Food Parcel Distribution in the UK: https://uploads.strikinglycdn.com/files/c181ce8c-2309-43a0-8fbf-05193a0a2d4c/INDEPENDENT%20FOOD%20BANK%20EMERGENCY%20FOOD%20PARCEL%20DISTRIBUTION%20IN%20THE%20UK_FINAL.pdf

¹⁸ Trussell Trust, 'UK food banks report busiest month ever, as coalition urgently calls for funding to get money into people's pockets quickly during pandemic', 3 June 2020: <https://www.trusselltrust.org/2020/06/03/food-banks-busiest-month/>

parcels and a 107% rise in provision of such parcels to children. This follows years of astronomic growth in demand.¹⁹ Food banks themselves, other frontline food aid providers, and local authorities who have been providing COVID-19 emergency food aid, including to many non-shielded families with children, have expressed serious concerns to Government (in public communications and in COVID-19 food and vulnerability VCS liaison meetings that Sustain also attends, convened by Defra and involving other government departments) about their ability to meet such high demand for any more than the very short term²⁰.

26. The Government has over the past three months taken some steps to address the multifaceted socio-economic problems that have been caused by the impact of COVID-19 on peoples' lives. For example, on 20 March 2020 an increase of £20 per week was made to the standard allowance for new and existing Universal Credit claimants (and the basic element for existing Working Tax Credit claimants)²¹ and the Local Housing Allowance was also modestly increased.

27. In further recognition of these exceptional circumstances and the consequences for children in low incomes households in particular, it was announced on 4 April 2020 that the Edenred voucher scheme would be extended over the Easter holidays.

28. Similarly, it was publicly confirmed by Nick Gibb MP to the Education Select Committee on 27 May 2020 that the voucher scheme was extended to cover the Whitsun half-term holiday. Unfortunately it was by then already half-way through the holiday. This belated announcement was particularly confusing given that Vicky Ford MP had written to the Education Select Committee informing them of this decision on 22 May 2020²² (this letter being published on 27 May 2020) but Baroness Berridge had informed Parliament on 26

¹⁹ Trussell Trust, 'UK food banks fear busiest summer ever is ahead', 16 July 2019: <https://www.trusselltrust.org/2019/07/16/uk-food-banks-fear-busiest-summer-ever-ahead/>

²⁰ <https://committees.parliament.uk/oralevidence/374/pdf/>

²¹ <https://www.understandinguniversalcredit.gov.uk/employment-and-benefits-support/already-claiming-benefits/>; It does not, however, appear to have been extended to other legacy benefits, e.g. Income Support, Income-related Employment and Support Allowance.

²² <https://committees.parliament.uk/publications/1253/documents/10731/default/>

May 2020 that the issue was still under review.²³ The lateness and muddled communication of the decision to extend provision over the Whitsun half-term holiday caused considerable confusion and anxiety for families affected, as well as making it extremely difficult for schools to order the relevant vouchers in time.

The position in respect of the summer holidays

29. Unfortunately, the situation that the country finds itself in, or to be more precise the situation that hundreds of thousands of low paid and newly unemployed workers find themselves in, has not substantially changed since the Easter holidays, still less the Whitsun half-term.
30. Moreover, those affected are likely to have been joined by new families who have lost their jobs since the Easter holidays. With the forthcoming taper to the furlough scheme and the cash that companies are likely to have expended in the meantime (particularly in seriously affected industries such as hospitality/restaurants and so forth), more hungry children are likely to join the ranks of those whom the Government helped over the Easter holidays and in the Whitsun half-term period.
31. Yet, as far as we can ascertain, no decision has yet been made in respect of the extension of the free school meals through the voucher scheme or otherwise over the summer holidays. On 26 May 2020 Baroness Berridge in answer to written questions in Parliament, simply offered the Government's repeatedly-stated position that it would "continue to keep the situation under review and will keep Parliament updated accordingly".²⁴ Vicky Ford MP made no comment at all as to plans for the summer

²³ <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2020-05-12/HL4206/>

²⁴ Free School Meals: Voucher Schemes: Written Question – 48561': <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2020-05-12/HL4206/>

holidays in her response to the Education Select Committee on 22 May 2020,²⁵ despite being asked the question explicitly.²⁶

32. Vicky Ford MP has stated in response to another written question that the Government's Holiday Activity and Food Scheme (HAF) will provide support to "thousands" of children over the summer holidays.²⁷ HAF is a scheme that has been running since 2018. However, this only supports approximately 50,000 or so children (3.8% of the number of children on FSM). More than sixty local authorities bid to run programmes under the scheme but the funding only stretched to ten, and the provision in even those areas is partial in that they do not extend to all children eligible for FSM, and the proposals funded are based around delivery on just 4 days per week, for 4 weeks during the 6 week summer holiday period.

33. Whilst HAF is no doubt valued by the limited number of communities funded to run local programmes, it is plainly not an adequate solution to the level of household food insecurity likely to be experienced by families with children over the forthcoming summer holidays, and to the extent that it is an improvement for some of the children affected, it is not a fair solution in respect of all children affected, given its limited geographical scope.

34. Similarly, the increase in the standard allowance of Universal Credit cannot be regarded as an adequate solution, or even a partial one, to the issue of holiday hunger over the summer holiday period: it is not specifically intended to cover food for children, does not take into account the number of children in the benefit claimant's household (or even whether there are any children) and does not apply to legacy benefits other than Working Tax Credits.

35. Further, it is not clear whether the Government has made any impact assessment of these changes with respect to families with more than two children, who may be

²⁵ <https://committees.parliament.uk/publications/1253/documents/10731/default/>

²⁶ <https://committees.parliament.uk/publications/1086/documents/9136/default/>

²⁷ <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2020-05-18/48285/>

affected by the two-child limit on their social security benefits;²⁸ or whose ability to accept such benefits increases may be limited by the benefit cap.²⁹ Neither is it clear what assessment the Government made prior to implementing the £20 a week uplift to Universal Credit of the effect of that policy on economically vulnerable people, household food security or the duties of public bodies under the Equalities Act 2010. In a response to a written Parliamentary Question on 12 May 2020, the Department for Work and Pensions indicated that “it will not be possible to answer this question within the usual time period. An answer is being prepared and will be provided as soon as it is available”.³⁰

36. As is also obvious, the £16m funding for charities announced on 8 May will not ensure eligible children avoid being hungry this summer, not least because it relates to a 12 week programme and is directed towards many other groups suffering household food insecurity as a result of COVID-19 and the measures taken in response to the pandemic. For example, c.£10m of the £16m is allocated to the distribution charity Fareshare to buy food for 5,000 frontline organisations who support especially vulnerable people such as those who are homeless or in domestic violence refuges (feeding about 900,000 people per week), with the funding offered for a three-month period. This is welcome support but equates to only about £167 per week for each frontline organisation for a limited period.

37. Without anything comprehensive instead in place, the consequences of not extending free school provision over the summer holidays are likely to be hugely detrimental.

38. Research indicates that, even absent the additional stressors associated with the COVID-19 pandemic, school holidays can be a time in which the health and wellbeing of children from low-income families suffers and their learning can stagnate or decline.³¹

²⁸ <https://publications.parliament.uk/pa/cm201919/cmselect/cmworpen/51/51.pdf>

²⁹ <https://www.gov.uk/benefit-cap>

³⁰ <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2020-05-01/42075/>

³¹ H. Stewart, N. Watson & M. Campbell (2018) The cost of school holidays for children from low income families. *Childhood*, 25 (4), 516-529. Available at: <https://journals.sagepub.com/doi/full/10.1177/090756821877913012>

That is attributed to in part to food insecurity. The referenced article describes “*an emerging body of evidence which suggests that the prolonged summer break has an accumulative effect on educational outcomes and may be one of the most fundamental, yet least acknowledged, contributors towards the attainment gap between richest and poorest children, accounting for almost two-thirds of the gap by the time children reach the age of 14.*” Further, research suggests that low-income families find the long summer holidays particularly difficult as children lose access to FSM and experience food insecurity or what has been referred to as ‘holiday hunger’.³² Food bank use accelerates significantly among families during the long summer holidays as they struggle to feed their children every day.³³ In addition to relying on food banks, several pieces of research have reported that many parents have resorted to skipping meals as a ‘coping strategy’ in a bid to feed their children over the summer holidays.³⁴

39. There is already growing evidence that the COVID-19 pandemic has disproportionately impacted lower income households and the gap in educational attainment in particular is likely to be exacerbated. The Sutton Trust has reported the experience of teachers in lower socioeconomic areas as being significantly more likely to receive work of a “much lower” standard. Moreover, in the most deprived schools almost a third of teachers are getting less than a quarter of the work they set returned.³⁵ The same report indicated that in the most deprived schools, 15% of teachers said that more than a third of their students would not have adequate access to an electronic device for learning from home and accessing online educational resources, compared to only 2% in the most affluent state schools. Furthermore, “Schools in the poorest areas are facing a situation where

³² Ibid.

³³ Forsey, A (2017) Hungry holidays: A report on hunger amongst children during school holidays. Report, All-Party Parliamentary Group on Hunger. Available at: <http://www.frankfield.co.uk/upload/docs/Hungry%20Holidays.pdf> (accessed 16 May 2018).

³⁴ See the references cited in H. Stewart, N. Watson & M. Campbell (2018) The cost of school holidays for children from low income families. *Childhood*, 25 (4), 516-529. Available at: <https://journals.sagepub.com/doi/full/10.1177/090756821877913012>

³⁵ <https://www.suttontrust.com/wp-content/uploads/2020/04/COVID-19-Impact-Brief-School-Shutdown.pdf>

many of their pupils have profound challenges, including access to food, so the provision of such basic needs may be taking precedence.”

40. The link between hunger and education is a reason why the provision of school meals is considered an educational function and to permit widespread hunger to take place over the summer holidays would be to fail already disadvantaged children. The survey on which the Sutton Trust reported asked teachers for their views on which additional interventions they would support specifically to stop vulnerable pupils from falling behind in their schoolwork. The intervention most favoured by teachers was provision of additional food boxes to vulnerable families, with most teachers (around 60% in both primaries and secondaries) choosing this support. Teachers know their children best. As expressed by the Sutton Trust, “*This reflects the level of basic needs that many children face in the crisis.*”³⁶ The All Party Parliamentary Group in its report on hunger amongst children during the school holidays identified that among the many factors associated with increased risk of food insecurity (such as high living costs, low incomes, insecure employment, and delayed benefit payments and sanctions) were three unique contributors: the increased overall cost of looking after children during the holidays, the lack of affordable childcare, and the loss of free school meals.³⁷

41. It is also important to recognise that BAME households are disproportionately eligible for free school meals³⁸ and the absence of provision will inevitably worsen health and educational outcomes for those sharing the protected characteristic of race. This is on

³⁶ <https://www.suttontrust.com/wp-content/uploads/2020/04/COVID-19-Impact-Brief-School-Shutdown.pdf>
p10

³⁷ Forsey, A (2017) Hungry holidays: A report on hunger amongst children during school holidays. Report, All-Party Parliamentary Group on Hunger. Available at:
<http://www.frankfield.co.uk/upload/docs/Hungry%20Holidays.pdf>

³⁸ See, for example, the Department for Education’s response to a Freedom of Information request in June 2018, showing e.g. 13.1% of White British pupils in Years 7-11 being eligible for FSM, as opposed to much higher proportions in other ethnic groups (e.g. 20-25% of pupils from Caribbean, African, Pakistani and Bangladeshi pupils, 30% of Gypsy/Roma pupils and 57% of Irish Traveller pupils):
https://www.whatdotheyknow.com/request/latest_percentage_eligible_for_f

top of an anticipated disproportionate educational impact of school shutdowns on BAME pupils³⁹ and evidence showing that BAME people have been more acutely affected by the COVID-19 pandemic from a financial perspective than non-BAME people.⁴⁰ There is also a significant risk of sex discrimination: the consequences for lone parent families and hence women is likely to be particularly severe, with evidence again showing that single parents have been more acutely affected by the COVID-19 pandemic from a financial perspective than others.⁴¹

The UK as a whole

42. This letter only concerns the situation in England. It is of course a devolved matter for the other nations of the UK as to how they deal with it. Notably, Wales has since 22 April already confirmed that FSM will be extended over the summer holidays at a level of £19.50 per child per week. We very much hope that the Government does not wish it to be the case that poor children in Wrexham do not go hungry in the school holidays, while those in Wolverhampton do.

What we are asking you to do

43. As stated above, our clients share a pressing concern that disadvantaged children should not be further harmed by virtue of government inaction, specifically the failure to extend the voucher regime to the end of the term or FSM generally over the summer holidays.

44. In the circumstances, and in light of the fact the Edenred contract will otherwise come to an end on 21 June and the summer holidays are less than 7 weeks away, we invite you to confirm by 4 p.m. on 11 June 2020 that (a) the voucher regime for FSM will be extended for those schools who need it until the end of the summer term and (b) FSM will be made available to eligible children over the forthcoming summer holidays.

³⁹ Sally Weale and David Batty, 'Fears that cancelling exams will hit BAME and poor pupils worst', *The Guardian*, 19 March 2020: <https://www.theguardian.com/world/2020/mar/19/fears-that-cancelling-exams-will-hit-black-and-poor-pupils-worst>

⁴⁰ <https://www.understandingsociety.ac.uk/sites/default/files/downloads/working-papers/2020-09.pdf>

⁴¹ <https://www.understandingsociety.ac.uk/sites/default/files/downloads/working-papers/2020-09.pdf>

45. For all the reasons set out, and in particular in light of the previous decisions to make the vouchers available over the Easter holidays and during the Whitsun half-term, we consider a decision not to extend the voucher regime to the end of term or FSM over the summer holidays would not be rational. However, if a decision has been or is made to that effect, we ask that you provide the reasons for it together with any relevant advice and related impact assessments.
46. In addition, please provide copies of the minutes of the decision and advice to ministers to provide free school meals over the Easter holidays and Whitsun half-term holidays along with any related impact assessments and confirmation of the ministerial power in pursuance of which both decisions were made.
47. Finally, should we not receive a response to this letter or a decision in relation to either(a) or (b) (or both) by the deadline set out above we shall have no choice to treat the Secretary of State as having made a negative decision and commence the formal litigation process prescribed by the Judicial Review Protocol. These are decisions that, for obvious reasons, cannot be delayed any further.
48. Should you wish to discuss this matter further our contact details are as set out above.

Yours faithfully

Simpson Millar LLP