

# Important Information Regarding FSM Eligibility Criteria (from April 2012)

The County Council has recently received, from the DfE, information regarding free school meals eligibility criteria from April 2012.

The current situation is those families who receive Working Tax Credit are not entitled to receive free school meals for their children regardless of their level of income (see exception below \* and also see further detail regarding free school meal eligibility and Working Tax Credit). However, families in receipt of Child Tax Credit with a taxable annual income (after benefits) of less than £16,190 are entitled to free school meals.

With effect from April 2012 the taxable annual income limit (after benefits) has been reviewed but will remain the same at £16,190 and colleagues who are responsible for performing free school meals eligibility checks will need to verify the income limit from individual Tax Credit Award Notices in line with existing procedures. It is important to note the period the notice applies to.

\* With effect from May 2009 legislation was introduced to allow free school meals to children whose parents have just become unemployed or reduced their hours to less than 16 hours per week but who still receive working tax credit. This is only for a 4 week period to cover the time HMRC continue to give working tax credit after unemployment is declared (known as the 'run on' period). HMRC should issue a new Tax Credit Decision Notice as soon as they are informed by the applicant that they have stopped working/reduced their hours. Paper evidence should be requested by schools to support any claims. After the 4 weeks the parent will either move on to Job Seekers Allowance (Income based only) or Income Support, and qualify for free school meals, or get another job and revert to working tax credit and therefore not be eligible.

Whilst this letter is primarily concerned with Tax Credits, can I remind colleagues that children whose parents receive the following support arrangements are also entitled to receive a free school meal:

\*\*Income Support (IS)

\*\*Income-related employment and support allowance (this benefit was introduced on 27 October, 2008) - note there must be an income related amount, however small, within this allowance to qualify for free school meals

\*\*Income-based Jobseekers Allowance (IBJSA) – see attached for further information and clarification re Contribution-based Jobseekers Allowance (CBJSA)

\*\*Support under Part VI of the Immigration and Asylum Act 1999

\*\*Guarantee Pension Credit

\*\*Children who receive IS or IBJSA in their own right are also entitled to receive free school meals.

It should be noted that children who receive “education suitable for children who have not attained compulsory school age” will still need to satisfy the additional requirement of “receiving education both before and after the lunch period”, before being eligible to receive free school meals.