

## REQUEST FOR DIRECTOR DECISION – DD2650

### Title: Contingency funding for the Universal Free School Meals programme

#### Executive Summary:

This Directors Decision (DD) seeks approval for the allocation of the contingency funds (as approved in [MD3146](#)) to cover specific access requirements for some groups of children in certain extraordinary and specific circumstances in relation to the Mayor of London's Universal Free School Meals (UFSM) programme. It also is intended to address unforeseen implementation issues for schools and boroughs which may inhibit their participation in the policy. This is open to all local authorities in London based on evidence of need. This is in response to the cost-of-living crisis and needs to be in place for the 2023-24 academic year.

It will be used to support:

- needs which may impede the uptake of the offer for individuals with protected characteristics identified to date through the programme, such as those related to dietary requirements linked to specific faith needs
- implementation issues for schools/boroughs
- access requirements in boroughs, including specific needs related to protected characteristics, such as pupils with special educational needs and disabilities (SEND).

The Executive Director of Communities and Skills is asked to approve the total expenditure of up to £5,000,000 to deliver on the purpose set out above.

#### Decision:

That the Executive Director of Communities and Skills, in consultation with the Deputy Chief of Staff and the Deputy Mayor for Children and Families approves:

1. expenditure of up to £905,000 to support needs which may impede the uptake of the offer for individuals with protected characteristics identified to date through the programme
2. expenditure of up to £4,095,000 to support implementation issues for schools and/or those related to access requirements in boroughs, including specific needs related to protected characteristics, such as pupils with SEND.

#### AUTHORISING DIRECTOR

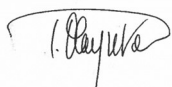
I have reviewed the request and am satisfied it is correct and consistent with the Mayor's plans and priorities.

It has my approval.

**Name:** Tunde Olayinka

**Position:** Executive Director –  
Communities & Skills

**Signature:**



**Date:**

26/10/2023

## **PART I – NON-CONFIDENTIAL FACTS AND ADVICE**

### **Decision required – supporting report**

#### **1. Introduction and background**

- 1.1. The Mayor of London believes that all primary school children in state-funded schools, including state-funded special schools and Alternative Provision (AP), should have access to the provision of free school meals that is currently available (FSM). In February 2023, the Mayor announced a historic £130 million emergency, one-off funding plan to help families with the spiralling cost of living by ensuring that primary school children in state-funded schools in London receive UFSM in the next academic year. [MD3103](#) approved the Mayoral budget for 2023-24, which included £130 million for UFSM.
- 1.2. [MD3146](#) approved the expenditure of up to £5 million (funded from the Greater London Authority (GLA) Revenue Grants Unapplied reserve) to act as a contingency for any extraordinary costs associated with implementation of the Mayor's UFSM programme including specific access requirements for some groups of children in certain extraordinary and specific circumstances such as children with SEND, and pupils who may have specific dietary requirements in connection with their religion or belief.
- 1.3. MD3146 also delegated authority to the Executive Director of Communities and Skills to make programme-level decisions via a DD form, in consultation with the Deputy Chief of Staff and the Deputy Mayor for Children and Families.
- 1.4. Information on the UFSM programme is set out in MD3146.
- 1.5. The Equality Impact Assessment (EqIA) (see **Appendix A**) identified areas for further work or consideration with regard to the UFSM programme including aspects such as mitigation or future monitoring. Some of these recommendations relate to the current proposed policy for the 2023-24 academic year; others relate to potential for learning, or longer-term considerations should the policy extend beyond the current academic year. Recommendations for the current proposed policy for the 2023-24 academic year include: need to address special dietary needs for faith groups including Kosher food; and need to address special dietary needs for pupils with SEND.

#### **2. Objectives and expected outcomes**

- 2.1. UFSM programme level objectives and expected outcomes are set out in MD3146.
- 2.2. Specific objectives of the contingency fund are to:
  - respond to the findings of the EqIA (see Appendix A) and ensure that children with protected characteristics are able to benefit from the policy
  - enable schools, where needed, to deliver special meals which are associated with higher costs, such as those related to the needs of pupils with SEND or faith requirements, without creating an additional financial burden on families
  - support boroughs experiencing other additional in-year costs which could impact on the viability of the universality of the programme. This may include in year admissions such as migrants or refugees.
- 2.3. A specific outcome from the contingency fund is that London's primary-age children who will be eligible for the Mayor's UFSM programme, will be able to access at least one nutritious meal a day during term-time, with associated benefits to their health and educational performance and in line with any specific needs related to a protected characteristic.

#### 2.4. Specific outputs from the contingency fund are:

- a response to needs identified through the EqlA for individuals with protected characteristics
- additional funds provided to boroughs for schools who have extraordinary barriers to implementing the policy or may be experiencing new additional costs in-year, i.e. an increase in number of pupils due to situations such as immigration.

### 3. **Equality comments**

- 3.1. Section 149(1) of the Equality Act 2010 provides that, in the exercise of their functions, public authorities – of whom the Mayor is one – must comply with the public sector equality duty by having due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.2. The EqlA and supplementary analysis identified and analysed where there were individuals with protected characteristics, who have specific dietary requirements which are associated with higher meal costs.
- 3.3. Through the EqlA and supplementary analysis some costs associated with these specific access requirements for some groups of children were identified. This included pupils with SEND, and pupils who may have a specific dietary requirement in connection with their religion or belief; and identified that Jewish Kosher meals in state-funded Jewish schools may generally come in at higher costs, and that this is generally related to the slightly higher price of Kosher food and particularly Kosher meat.
- 3.4. Funding from this £5 million contingency fund (this DD asks the Executive Director of Communities and Skills to approve up to £5,000,000) will therefore be allocated for specific and extraordinary costs associated with implementation of the scheme and children's access to the scheme, associated with the findings of the EqlA and the supplementary analysis.
- 3.5. The contingency fund will not be limited to the groups identified to date and GLA officers will continue working with boroughs, schools and partners to keep the EqlA up to date and under review as the scheme is delivered and will keep under ongoing review appropriate use of the contingency fund to mitigate impacts on those sharing protected characteristics identified as the scheme is delivered.
- 3.6. By allocating additional funding to meet the additional costs associated with these groups the policy aims to ensure that all children with protected characteristics attending state-funded primary schools are able to access the FSM offer. Without the top up there is a risk that schools such as faith-based state-funded schools cannot afford to provide the meals and will either opt out or ask families for voluntary contributions.

### 4. **Other considerations**

#### Key risks

- 4.1. Key risks and issues are highlighted in the table below.

<b>Risk</b>	<b>RAG*</b>	<b>Mitigation</b>
Unforeseen issues related to access to the UFSM programme by children with protected characteristics arise as the policy goes live.	A	<ul style="list-style-type: none"> <li>• funding allocated to address issues which arise in-year</li> <li>• EqlA undertaken and to be kept under ongoing review</li> <li>• stakeholder engagement conducted as part of policy development</li> <li>• literature review and theory of change undertaken to understand the evidence base from existing policies and anticipate impacts of the new scheme, with the aim of reducing the likelihood of unforeseen impacts emerging through the programme.</li> </ul>
No SEND data available to show exact numbers who are not eligible for the national government FSM offer who have a specific dietary need which would require a top-up cost.	A	<ul style="list-style-type: none"> <li>• further work to analyse the level of need is underway using the Department for Education (DfE) data sets</li> <li>• findings to be tested with key stakeholders and approach to allocations co-produced</li> <li>• officers will utilise the information about needs identified through EqlA.</li> </ul>

*\*Red = highly likelihood and/or high impact; amber = medium likelihood and/or impact; green = low likelihood and/or impact.*

#### Conflict of interest

- 4.2. There are no conflicts of interest to note for any of the officers involved in the drafting or clearance of this decision form.

#### Links to Mayoral strategies and priorities

- 4.3. This programme links to the Mayor's delivery of the Robust Safety Net recovery mission, which aims to ensure that, by 2025, all Londoners can access the support they need to avoid and alleviate financial hardship. Provision of UFSM through this programme will ensure children in state funded primary schools have at least one meal a day and reduce financial burden on parents.
- 4.4. Primarily this programme seeks to reduce the impact of the cost-of-living crisis on low-income families.

## **5. Financial comments**

- 5.1. This decision seeks approval for the following, totalling £5,000,000, as broken down below:
- expenditure of up to £905,000 to support needs which may impede uptake of the offer for individuals with protected characteristics identified to date through the programme.
  - expenditure of up to £4,095,000 to support implementation issues for schools and/or those related to access requirements in boroughs, including specific needs related to protected characteristics, such as pupils with SEND.
  - There will be no further costs which exceed this contingency funding allocation in the financial year 2023-24. Strict criteria will be applied to ensure this remains in budget.

- 5.2. This expenditure would be funded from the GLA Revenue Grants Unapplied reserve via the UFSM programme budget over the financial years 2023-24 and 2024-25. This will be split across two financial years as follows:

	2023-24	2024-25	Total
Support uptake of the offer for individuals with protected characteristics identified to date through the programme.	Up to £905,000	£0	Up to £905,000
Implementation issues for schools and/or those related to access requirements in boroughs, including specific needs related to protected characteristics, such as pupils with SEND.	Up to £2,773,045	Up to £1,321,955	Up to £4,095,000
			Up to £5,000,000

- 5.3. The funding allocation in future financial years will be subject to the normal annual budget setting process and is subject to change.
- 5.4. Any contracts that commit the GLA in future years are subject to appropriate break clauses.

Spend outline	Total
Top up the costs of Kosher meals in state funded primary schools to pupils who are not eligible for the national government offer for FSM. Funding will be allocated to boroughs based on the number of pupils in Jewish state schools across London and the difference in price between Kosher and non--Kosher meals.	£905,000
Other associated costs relating to development and ongoing review of the EqIA and translated materials, and additional communications work to ensure awareness and take-up of the scheme, as well as to protect Pupil Premium registrations.	
To support implementation issues for schools and/or those related to access requirements in boroughs, including specific needs related to protected characteristics.	£4,905,000
<b>Total</b>	£5,000,000

## 6. Legal comments

### Power to undertake the requested decisions

- 6.1. The foregoing sections of this report indicate that the decisions requested of the Executive Director of Communities and Skills concern the exercise of the GLA's general powers, falling within the GLA's statutory powers to do such things considered to further or that are facilitative of, or conducive or incidental to, the promotion of economic development and wealth creation, social development or improvement of the environment. MD3146 delegated authority to the Executive Director of Communities and Skills, in consultation with the Deputy Chief of Staff and the Deputy Mayor for Children and Families, to provide more detail on the contingency fund and to make programme-level decisions authorising spend via Director Decision forms.
- 6.2. In implementing the proposals in respect of which a decision is sought, officers should comply with the GLA's related statutory duties to:
- pay due regard to the principle that there should be equality of opportunity for all people (section 33(1) of Greater London Authority Act 1999 (GLA Act))
  - consider how the proposals are best calculated to promote the improvement of health of persons in Greater London, promote the reduction of health inequalities between persons in Greater London, contribute towards the achievement of sustainable development in the United Kingdom and contribute towards the mitigation of, or adaptation to, climate change in the United Kingdom (section 30(5) of the GLA Act)
  - consult with appropriate bodies or persons (section 32(1) of the GLA Act).
- 6.3. In taking the decisions requested, as noted in section 3 above, the Executive Director of Communities and Skills must comply with the Public Sector Equality Duty. To this end, the Executive Director of Communities and Skills should have particular regard to section 3 (above) of this report.

### Procurement, grant funding and subsidy control

- 6.4. The comments in MD3146 in relation to the use of the UFSM programme budget for the purposes of procurement and grant funding continue to apply to expenditure from the UFSM contingency budget the subject of this decision form. Furthermore, officers are reminded to continue to comply with the requirements of the Subsidy Control Act 2022 as regards the distribution of grant funding from the UFSM contingency budget.

## 7. Planned delivery approach and next steps

- 7.1. In the majority of cases, the local authorities will be acting as responsible bodies for the GLA's grant funding and then providing on-grants to the eligible schools in their area. In turn, those schools will then use the on-granted funds to procure catering services. However, in a limited number of cases, some local authorities will use the GLA's grant funding themselves to procure catering services on behalf of the eligible schools in their area.

Spend outline	Timeline	Delivery approach
Top up the costs of special dietary needs for faith groups including Kosher meals in state-funded primary schools to support children who are not eligible for the national government offer for FSM. Funding will be allocated to boroughs.	To be allocated by the end of December 2023.	Via boroughs.
Other associated costs relating to the development and ongoing review of the EglA and translating materials.	June 2023 – April 2024.	Via Transport for London (TfL) contract and

		procurement exercise.
To support implementation issues for schools and/or those related to access requirements in boroughs, including specific needs related to protected characteristics.	To be allocated to boroughs by December 2023.	Via boroughs.

#### **Appendices and supporting papers:**

- Appendix A – [UFSM EqIA](#)

### Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after it has been approved or on the defer date.

### Part 1 - Deferral

**Is the publication of Part 1 of this approval to be deferred? NO**

### Part 2 – Sensitive information

Only the facts or advice that would be exempt from disclosure under FoIA should be included in the separate Part 2 form, together with the legal rationale for non-publication.

**Is there a part 2 form – NO**

### ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

#### Drafting officer:

Emma Pawson has drafted this report in accordance with GLA procedures and confirms the following:

✓

#### Assistant Director/Head of Service:

Jazz Bhogal has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

#### Financial and Legal advice:

The Finance and Legal teams have commented on this proposal, and this decision reflects their comments.

✓

#### Corporate Investment Board

A summary of this decision was reviewed by the Corporate Investment Board on 4 September 2023

✓

### INTERIM CHIEF FINANCE OFFICER:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

**Signature:**



**Date:**

26/10/2023