

REQUEST FOR DIRECTOR DECISION – DD2697

Title: Additional funding for the Universal Free School Meals Programme where meal uptake exceeds 90 per cent

Executive Summary:

This Director Decision (DD) seeks approval for the expenditure of up to £700,000 to cover the additional payment for boroughs that have evidenced school meal uptake above 90 per cent for the Mayor of London's Universal Free School Meals (UFSM) programme. It is intended to ensure schools are remunerated when meal uptake exceeds the 90 per cent rate that was used in calculating the funding allocations.

The Executive Director of Communities and Skills is asked to approve the total expenditure of up to £700,000 to deliver on the purpose set out above.

Decision:

That the Executive Director of Communities and Skills approves:

1. expenditure of up to £700,000 in order to increase the existing grant funding to certain London boroughs, which will then provide the funding to state-funded primary schools that have evidenced UFSM school meal uptake above 90 per cent for the 2023-24 academic year.

AUTHORISING DIRECTOR

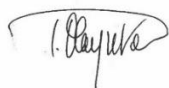
I have reviewed the request and am satisfied it is correct and consistent with the Mayor's plans and priorities.

It has my approval.

Name: Tunde Olayinka

Position: Executive Director –
Communities & Skills

Signature:



Date:

20/05/2024

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 £130m emergency funding plan to help families with the spiralling cost of living by ensuring that primary school children in state-funded schools in London receive Universal Free School Meals (UFSM) in the next academic year. [MD3103](#) approved the Mayoral budget for 2023-24, which included £130m for UFSM.
- 1.2. [MD3146](#) approved the expenditure of up to £129.9m to deliver UFSM to Key Stage 2 (KS2) children within London state-funded primary schools for the 2023-24 academic year (budget approval of £130m under cover of [MD3103](#)), to cover grants of varying amounts to be allocated to local authorities and delivered to schools, depending on the number of eligible primary-school children in the borough. The borough allocation calculation was based on the number of non-government-funded pupils at KS2 on census day in January 2022, at a rate of £2.65 per meal, and assuming uptake of up to 90 per cent of eligible pupils.
- 1.3. [MD3146](#) and [DD2650](#) also approved the expenditure of £5m (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 special education needs and disabilities (SEND), and pupils who may have specific dietary requirements in connection with their religion or belief.
- 1.4. As approved by [MD3146](#), the £129.9m budget allocation for UFSM in the 2023-24 academic year is based on a 90 per cent pupil school meal uptake, with additional payment allowed for boroughs that can evidence uptake above 90 per cent (to be addressed in the 2024-25 budget setting process), as outlined in paragraphs 2.8-2.9 and 2.13, 5.3 and 5.6 of MD3146.
- 1.5. Accordingly, state-funded schools were given the opportunity to secure additional funding if they evidenced that uptake of the scheme has exceeded 90 per cent, which will be delivered through their respective boroughs. This extra funding will be reviewed on a borough-by-borough basis according to uptake of the scheme and verified by the GLA.
- 1.6. [DD2650](#) permitted top-up funding to cover the costs of Kosher meals in state-funded primary schools for pupils who are not eligible for the national government offer of FSM. This funding was 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, and was based on an assumed uptake of 100 per cent. Therefore, schools in receipt of a Kosher uplift payment are not eligible for this additional funding as it is for schools that have been funded at 90 per cent uptake.
- 1.7. A list of boroughs that have evidenced uptake in excess of 90 per cent in their schools and by how much can be found in **Appendix A**.
- 1.8. [MD3146](#) 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.
- 1.9. The Deputy Chief of Staff and Deputy Mayor for Children and Families have been consulted on this decision and are content with the detail included.

2. Objectives and expected outcomes

2.1. UFSM programme objectives and expected outcomes are set out in MD3146.

2.2. Specific objectives of the additional funding are to:

- enable boroughs to support state-funded schools to provide meals to all primary-age children (who are not currently entitled to a free school meal provided by the government), where their meal uptake exceeds 90 per cent
- ensure schools are reimbursed via their boroughs for providing the Mayor's UFSM scheme, specifically where uptake exceeds 90 per cent, and therefore is higher than their initial funding allocations
- enable further understanding of the impact of the of the scheme, by collecting information from schools on uptake of the Mayor's meals.

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 have 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 Mayor allocated £130m of funding in February 2023 to UFSM in response to the cost-of-living crisis, when it became clear that final council tax and business rate returns from the London boroughs and the City were higher than forecast. That funding allowed for a flat per-meal rate for all eligible children across the city.

3.3. A £5m contingency fund was allocated in 2023 to cover specific access requirements for some groups of children in certain extraordinary and specific circumstances in relation to the Mayor of London's UFSM programme. It also is intended to address unforeseen implementation issues for schools and boroughs which may inhibit their participation in the policy.

3.4. An equality impact assessment (EqIA) and wider Integrated Impact Assessment (IIA) was developed and included as appendices to MD3146.

3.5. An updated IIA and appendices to support the continued delivery of the scheme in the 2024-25 academic year is being developed and will be included in an upcoming decision form.

4. Other considerations

Key risks and issues

4.1. The key risks and issues are highlighted as follows:

Risk	RAG*	Mitigation
The number of schools requesting	Amber	• Stakeholder engagement with boroughs as part of implementation and evaluation work, has provided early

funding due to an uptake of higher than 90 per cent exceeds the £6.5m budget which has been ringfenced for this purpose.		identification of some schools that may be exceeding 90 per cent uptake, though most schools have not, so we do not predict the requested funding will exceed the £6.5m budgeted. • The GLA's partnership with Arbor provides termly uptake data from a sample of schools. This indicates borough and London-wide uptake rates, not school level uptake rates. Average London-wide uptake rate based on first term data. Note that this is not data from a formal evaluation of the policy. • Findings from a school survey in February 2024 will provide further insight on school level rates.
Schools are unable to access the additional funds due to challenges in understanding the process of evidencing uptake above 90 per cent.	Amber	• Guidance on the process was co-developed with stakeholders and tested with boroughs, schools & management information system (MIS) providers. • Officers provide ad hoc support via the UFSM inbox and calls to field questions and issues that boroughs and officers may have. • Support and updates have been provided directly to boroughs via correspondence, as well as in Partnership Advisory Group¹ meetings and meetings with internal borough lead officers.

**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 mission which aims to ensure that, by 2025, all Londoners can access the support they need to avoid and alleviate financial hardship. Provision of FSM through this programme will ensure children attending state-funded primary schools in London have at least one meal a day during term time and help to lower everyday costs for parents and carers of these children.
- 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 expenditure of up to £700,000 in 2024-25 financial year to cover the additional payment for boroughs that have evidenced school meal uptake above 90 per cent for the Mayor of London's Universal Free School Meals (UFSM) programme. It is intended to ensure schools are remunerated when meal uptake exceeds the 90 per cent rate that was used in calculating the funding allocations.
- 5.2. As approved by [MD3146](#), the £129.9m budget allocation for UFSM in the 2023-24 academic year is based on a 90 per cent pupil school meal uptake, with additional payment allowed for boroughs that can evidence uptake above 90 per cent (to be addressed in the 2024-25 budget setting process), as outlined in paragraphs 2.8-2.9 and 2.13, 5.3 and 5.6 of MD3146

¹ The Partnership Advisory Group provides guidance and expert input into the development and implementation of the UFSM policy. Membership includes representatives from each borough from across London.

- 5.3. [MD3146](#) 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.
- 5.4. This expenditure was approved to be managed from reserves as part of the 2024-25 budget setting process.
- 5.5. The expenditure of up to £700,000 would be funded from the GLA Revenue Grants Unapplied reserve via the UFSM programme budget.

6. Legal comments

Powers to undertake the requested decision

- 6.1 The decision requested of the Executive Director of Communities & Skills (the “Executive Director”) fall within the general powers of the Mayor in section 30 of the Greater London Authority Act (GLA Act) 1999 to do anything which it considers will further any one or more of its principal purposes. Those principal purposes include furthering the promotion of social development in Greater London. Section 34 of the GLA Act also allows the Mayor to do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of any functions of the GLA exercisable by the Mayor. In formulating the proposals in respect of which a decision is sought, officers have complied 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 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).
- 6.2 In taking the decisions requested of him, the Executive Director must have due regard to the Public Sector Equality Duty; namely the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010; advance equality of opportunity between persons who share a relevant protected characteristic (race, disability, age, sex, sexual orientation, religion or belief, pregnancy and maternity and gender reassignment) and persons who do not share it; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it (section 149 of Equality Act 2010). To this end, the Executive Director should have particular regard to section 3 (above) of this report.

Grant funding

- 6.3 The decision, above, seeks approval of a budget of £700,000 in order to increase the existing grant funding to state-funded primary schools in boroughs that have evidenced UFSM school meal uptake above 90 per cent for the 2023-24 academic year. To that end, the GLA will be funding the increased provision of UFSM by the boroughs to school children. Accordingly, there is no direct benefit to the GLA and the funding may be viewed as a grant rather than a contract. Officers are reminded to comply with section 12 of the Contracts and Funding Code (the “Code”). Furthermore, prior to the provision of the additional funding, officers must put in place either deeds of variation of existing funding agreements or new funding agreements between the GLA and the recipient boroughs.

Subsidy control

- 6.4 The Subsidy Control Act 2022 (the “SC Act”) requires that grant funding be assessed in accordance with a four-limbed test in order to see whether the grant funding amounts to a subsidy within the meaning of the SC Act. As explained in the decision, above, the grant funding will be provided to local authorities to provide funding to primary schools for free school meals. In providing the funding for free school meals, the local authorities will be providing a public service. To that end, the proposed grant funding does not meet the first limb of the four-limbed test and, therefore, does not amount to a subsidy.

7. Planned delivery approach and next steps

- 7.1. The process for schools and boroughs to claim funding for uptake greater than 90 per cent has been outlined [online](#), and a copy of the guidance has been issued to borough officers.
- 7.2. Timeline of Activity

Activity	Timeline
Data collection by schools where uptake has been above 90 per cent via boroughs	18 January and 13 March 2024
Coordination of school data by relevant boroughs and submission of this data via OPS system	28 March - 30 April 2024
Assessment of borough applications by GLA officers	May 2024
Processing of valid claims via OPS by GLA officers	May 2024
Write to boroughs to confirm their additional funding allocations	June 2024
Funding issued by boroughs to relevant schools	1 June - 31 July 2024

Appendices and supporting papers:

Appendix A – Table of boroughs to receive additional funding

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:

Phillipa Cheron & Juan Sebastian Dennis-Beron have 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 20 May 2024.

✓

INTERIM CHIEF FINANCE OFFICER:

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

Signature:



Date:

20/05/2024