

New extended guidance for Free School Meals

During the coronavirus (COVID-19) outbreak, we are temporarily extending free school meal eligibility to include some children of groups who have no recourse to public funds (NRPF).

These groups are:

- children of Zambrano carers
- children of families with no recourse to public funds with a right to remain in the UK on grounds of private and family life under Article 8 of the European Convention on Human Rights
- children of families receiving support under Section 17 of the Children Act 1989 **who are also** subject to a no recourse to public funds restriction

These groups are also subject to a maximum household earnings threshold of £7,400 per annum.

We are also temporarily extending eligibility to children of a subset of failed asylum seekers supported under Section 4 of the Immigration and Asylum Act 1999. This group is not subject to a maximum household earnings threshold.

This extension is temporarily in place to support families facing difficulties due to the current unique circumstances. It covers both children who are attending school and children who are at home.

This guidance explains who these groups are and how schools can confirm their eligibility and award free school meals.

Schools and local authorities are **not** able to use the eligibility checking system (ECS) to confirm eligibility for these families.

We are aware that the current circumstances may make it difficult for carers to provide documents. Schools are able to consider alternative forms of evidence and to use their own discretion. Due to the current restrictions, we do not necessarily expect schools to view physical copies of documents.

Time period

The extension of free school meal eligibility to these groups will take place immediately. It will end when schools have reopened to all children.

Who is eligible

Zambrano carers

A Zambrano carer is the primary carer of a British citizen child or dependent adult, where requiring the primary carer to leave the UK would force that British citizen to leave the European Economic Area (EEA).

They must be able to show:

- that the carer/parent is not a British citizen
- that the child is a British citizen
- that the carer is a direct relative or legal guardian of the child
- that they have primary responsibility of the child
- that there are no other members of the carer's family in the UK or the EEA who could look after the child

More detailed information on Zambrano carers is available in the Home Office guidance on [derivative rights of residence](#).

Zambrano carers are able to work, and as such are subject to a maximum annual household earnings threshold of £7,400 to be eligible to receive free school meals.

See [confirming household income](#) for further guidance on assessing this.

Suggested evidence

You should ask families to sign a self-declaration form as part of their application for free school meals. A [sample application form](#) including a self-declaration is available, but you can use an alternative if you prefer.

At present, Zambrano carers are not required to apply to the Home Office for confirmation of their status, however many will choose to apply for a derivative residence card to demonstrate their right to reside and work in the UK. As this is not a mandatory requirement, not being in receipt of this card does **not** necessarily mean that the carer does not hold this status.

Article 8 of the European Convention on Human Rights

Article 8 states that everyone has the right to respect for his private and family life, his home and his correspondence.

Carers with leave to remain under article 8 are able to work, and as such are subject to a maximum annual household earnings threshold of £7,400 in order for their child to be eligible to receive free school meals.

See [confirming household income](#) for further guidance on assessing this.

Suggested evidence

You should ask families to sign a self-declaration form as part of their application for free school meals. A [sample application form](#) including a self-declaration is available, but you can use an alternative if you prefer.

Carers who have leave to remain under article 8 will be able to provide a letter from the Home Office granting them leave to remain in the UK and/or a biometric residence card.

Section 4 of the Immigration and Asylum Act 1999

Section 4 allows the Home Office to provide support to a subset of refused asylum seekers who are classed as destitute and [meet their criteria](#).

People receiving Section 4 support are not able to work, and as such there is no requirement to confirm earnings.

Suggested evidence

You should ask families to sign a self-declaration form as part of their application for free school meals. A [sample application form](#) including a self-declaration is available, but you can use an alternative if you prefer.

Carers who are receiving Section 4 support will be able to provide a letter from the Home Office or local authority confirming Section 4 support and/or an ASPEN card.

Section 17 of the Children Act 1989

Section 17 places a general duty on local authorities to safeguard and promote the welfare of children in need by providing a range and level of services appropriate to those children's needs.

A child will be considered in need if:

- they are unlikely to achieve or maintain or to have the opportunity to achieve or maintain a reasonable standard of health or development without the provision of services by the local authority
- the child's health or development is likely to be significantly impaired or further impaired without the provision of such services
- the child is disabled.

The support local authorities provide will vary depending on the individual needs of the child and/or family.

Should you be eligible, please send an email to office@chsfg.co.uk