

Free School Meals Auto-enrolment Toolkit

Section One: An Introduction to Auto-Enrolment

1. Introduction

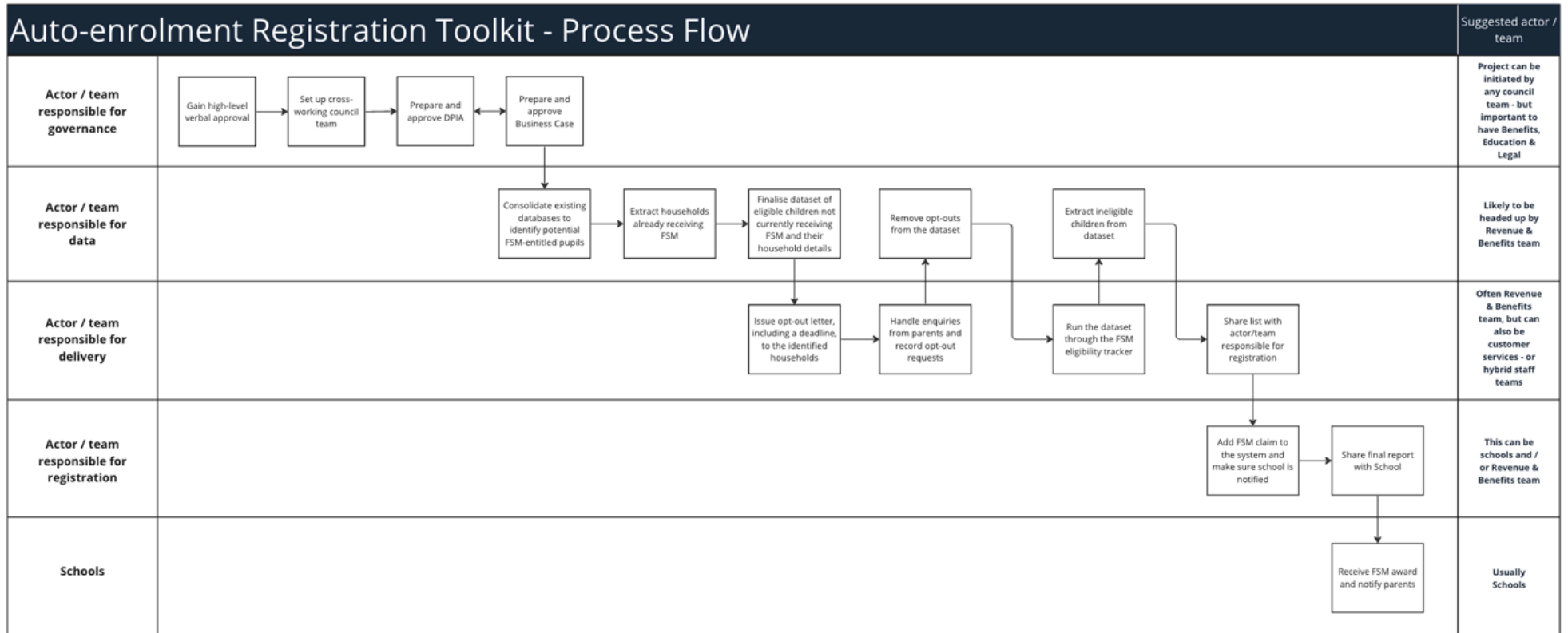
- 1.1. 11% of children entitled to Free School Meals (FSM) are not registered to receive them according to the Department for Education. However, latest calculations from [Policy in Practice](#) put the current figure at 471,000 school-aged children who are entitled but not registered (over 20%).
- 1.2. As well as lowest income families (below a household income threshold of £7,400) missing out on FSMs, schools also miss out on receiving pupil premium funding, allocated from the government for each child in receipt of FSM (For FY 24/25, these are £1,480 per primary school child; £1,050 in secondary school).
- 1.3. This toolkit has been prepared to support councils to introduce an ‘**opt-out, auto-award**’ auto-enrolment processes for FSM - this is part of the wider live action research project run by FixOurFood, The Food Foundation and Bremner & Co.
- 1.4. You can read more on Auto-enrolment by reading a [Policy Position Statement](#) and accessing the [FixOurFood FSM Auto-Enrolment Briefing Statement](#).
- 1.5. **It is important to clarify that this toolkit does not promote unconsented auto-enrolment - the process involves a ‘right to object’ / opt-out opportunity - this is important in order to satisfy appropriate use of data.**

2. Executive Summary

Summary of top-tips:

- Consider undertaking this work in time for the October 2024 school census, as this is the last date to guarantee transitional protection for FSM pupils (see 6.4.2)
- Find a champion at senior level in your council to sponsor the process
- Set-up and work with a multi-disciplinary council team (with school representation)
- Ensure your project plan and timescale fits with school census date milestones
- Be clear and consistent on use of FSM terminology (e.g. entitled, eligible, registered etc)
- Work out the best approach for your council - one size won’t fit all!
- Consider what project management support and wider resource allocations you will need - both internal and potential external support
- Finally, make use of our Toolkit resources, case studies and templates to help you through the process

2.1. Process map (you can find another version produced by Tower Hamlets [here](#))



3. Using the Toolkit

- 3.1. This Toolkit draws on actual experiences from those councils who have or are in the process of introducing auto-enrolment FSM processes.
- 3.2. It is purposely designed to be a 'beta mode' and will be regularly updated (this version last updated June 2024).
- 3.3. The Toolkit will guide councils through the Process map.
- 3.4. Throughout the document, we have put links and signposts to sample documents and templates, including from councils who have or are currently implementing auto-enrolment procedures. These are also at the end of the document.
- 3.5. It is important to note that all councils will have different governance, policy, and practice determinants. This Toolkit is therefore a guide for implementing any new programme - one size will not fit all.

4. How the Toolkit fits in with the wider FixOurFood FSM auto-enrolment research project

- 4.1. The Toolkit is an important part of the wider FixOurFood action research project that aims to support the set-up of auto-enrolment processes for free school meals within local authorities and evaluate their implementation and impact.
 - 4.1.1. Part of this process includes obtaining feedback on the resources that we produce (implementation support and evaluation) so that we can improve the support we offer.
 - 4.1.2. Another part of our research includes collecting auto-enrolment related documents and correspondence and conducting interviews with local authorities to hear about their experiences and processes of setting up auto-enrolment alongside barriers and facilitators.
 - 4.1.3. This data can help provide further support to local authorities in the set-up of FSM auto-enrolment nationally.
 - 4.1.4. The [FixOurFood FSM auto-enrolment briefing document](#) provides additional information on the research project and how local authorities can get involved.

5. Is introducing a 'Right to Object' / Opt-out auto-award mechanism right for your council and your schools?

- 5.1. **Benefits** – Councils that have introduced FSM auto-enrolment processes have identified additional children who were previously entitled to but not registered for free school meals.
 - 5.1.1. Meeting statutory Equalities obligations
 - 5.1.1.1. Councils have found that newly identified pupils have higher than average inequality rates, including pupils from BAME background, lone-parent families, or those living in households where English is an additional language.
 - 5.1.2. Meeting wider council priorities (these may include but limited to):
 - 5.1.2.1. Maximising local economy
 - 5.1.2.2. Supporting children and families
 - 5.1.2.3. Better health and healthy living
 - 5.1.2.4. Being efficient and effective
 - 5.1.2.5. Sustainability
- 5.2. **Risks** - Councils who have already gone through the auto-enrolment process have identified some risks and mitigation activity. These include:

- 5.2.1. To overcome data concerns, having a clear Data Impact Assessment that is signed off at an appropriate level.
 - 5.2.2. To ensure schools and relevant council teams support the process, having clear governance, planning and communication plans.
 - 5.2.3. To ensure appropriate project management resources have been allocated to enable cross-council engagement.
 - 5.2.4. Being clear on which schools the council will be supporting with this process, and how you will treat Academy schools and multi-academy trusts
 - 5.2.5. To ensure appropriate staffing and financial resources to identify costs early on and include in the business plan.
 - 5.2.6. To ensure appropriate time-line - allow three months to gain agreement, and six weeks to complete the auto-enrolment processes.
- 5.3. **Not a catch-all** - Whilst all councils who have undergone the 'opt-out / auto-award' FSM Auto-enrolment process have been able to identify and register many additional pupils, it is clear that not all entitled pupils are able to be identified. Identified challenges include:
- 5.3.1. Pupils who live in one council area but go to school in another council area.
 - 5.3.2. Children with no recourse to public funds (there being another [process](#) for this)
 - 5.3.3. Inefficiencies and time-lag in respective data sets and in the Eligibility Checking Service database.
 - 5.3.4. Some pupils in certain types of Alternative Provision.
 - 5.3.5. The FixOurFood FSM Auto-Enrolment research project is also supporting ongoing advocacy to encourage the national government to look at a full auto-enrolment process as a long term solution.
- 5.4. **Non Unitary Councils** - currently we do not know of examples of FSM Auto-enrolment in non unitary councils. This is because education and benefits datasets are held in different councils (education at County level, and benefits at District level). We recognise more work is needed in this area and hope to provide updates in further revisions of this toolkit.

6. Working up an approved FSM auto-enrolment business case

6.1. Gain initial high-level commitment.

6.1.1. It is important to secure high level council commitment at the earliest opportunity - this is because the process often requires data change of use, and the involvement of many different teams across the council.

6.2. Set up a cross working Council team.

6.2.1. Collaboration is vital to ensure a smooth process. The following table lists suggested council teams that should be involved - this will be different for each council.

| Council / portfolio teams | Likely contribution / responsibility |
|---|--|
| Education / Schools team | Responsible for free school meal eligibility and liaising with schools |
| IT department | To develop and manage the automated registration system. |
| Legal / Compliance, including Data Protection Officer | To ensure the process aligns with data protection regulations, and to manage the Data Protection Impact Assessment process |
| Customer service team / Resources | To create and distribute letters to parents and handle Opt: Out queries. |
| Schools Rep / Business Manager | To ensure process works and is applicable for schools, and to support active communications and high level advocacy |
| Revenue & Benefits Team | Often handle existing FSM claims; access to Housing Benefit & Council tax datasets |
| Poverty team / Social Services | Access to Universal Credit data or other potentially relevant data-sets |
| Communications | Supporting wider Council communications for parents to promote FSM registration |
| Public Health | Wider advocate for the implementation of interventions to address public health priorities |

6.3. Prepare and approve use of data (completing a Data Protection Impact Assessment)

- 6.3.1. The FSM auto-enrolment process requires councils to amalgamate and access existing data sets, to help identify potential FSM entitled pupils. These are likely to include data from Housing Benefits, Council Tax, and Universal Credit data.
- 6.3.2. **It is important that the council is satisfied as to the use of this data for FSM auto-enrolment.**
- 6.3.3. A way to do this is to undertake a [Data Protection Impact Assessment](#) (DPIA). A DPIA is an essential tool to identify and minimise data protection risks when introducing a new process. It helps local authorities understand how data will be processed, assess potential risks, and implement measures to protect individuals' data privacy.
- 6.3.4. Each council will have its own DPIA process, so it is important to engage as soon as possible with your data protection officer for guidance and advice
- 6.3.5. Sheffield has made available a [sample DPIA assessment](#)
- 6.3.6. Wandsworth undertook a '[Compatibility Assessment](#)' in addition to a DPIA.

- 6.3.7. Councils may want to refer to The Department for Education's statement that they recognise several councils are undertaking different approaches. They [wrote a letter](#) in response to the [School Food Review's request](#) for clarification on the FSM auto-enrolment position.
- 6.3.8. Several pieces of UK legislation support the idea that a free school lunch may be requested by anyone on behalf of an eligible child. This principle is underpinned by several pieces of legislation, including [Education Act 1996 \(Section 512ZB\)](#)
- 6.3.9. Some councils have used the [Department for Education's Legal Compliance Guide](#) (for local authorities using the Eligibility Checking Service Online) as relevant justification for implementing an opt-out process.
- 6.3.10. Another council has used the general power of competence in s1(1) [Localism Act 2011](#) as justification for use of data
- 6.3.11. The Department of Work and Pensions have recently issued an [updated Memorandum of Understanding to Councils](#) regarding use of revenue and benefits data, but councils have not assumed this to be a blocker to introduce the right to object process - you may want to confirm this with your contact at DWP as part of your wider DPIA and business plan. See this [example](#) and this [example](#) from Cumberland. You may also want to consider completing a data reuse form and submit this request to the DWP to gain permissions to use relevant data. See this [example](#) from North Yorkshire council who were successful in their data reuse request.

6.4. Agree timeline for carrying out the work

- 6.4.1. Most councils have aligned their project planning so that all newly identified pupils can be registered in the October schools census. This is helpful as DfE use the October census to calculate ongoing funding for the following financial year (from April), which includes pupil premium allocations.
- 6.4.2. Registering pupils in the January or May census will enable pupils to start receiving FSM allocation, but it will take longer for schools to then start receiving funding for those pupils. (Some councils have provided interim funding allocations to cover any potential financial shortfalls.
- 6.4.3. Government has agreed that [transitional protections](#) for free school meals will

remain until March 2025. Transitional protection means that eligible pupils continue to receive free meals, even if their household is no longer eligible under the benefits/low-earning criteria, up until March 2025 and then until the end of their phase of education.

6.5. Identifying and allocating staffing and financial resources

- 6.5.1. It is important to consider how the overall project will be managed, as it is a multi-team activity. See [North Yorkshire's example](#) of an initial high level plan.
- 6.5.2. Some councils have used central corporate teams to project manage, others have commissioned specific external support to do this (Please get in touch if you would like any introductions to potential external providers).
- 6.5.3. Each stage of the process map will require staffing resources. Initial set-up of processes, governance, business case and undertaking a DPIA has been estimated at around 150 - 250 staff hours.
- 6.5.4. Completing datasets, issuing 'right to object' letters, checking and recording FSM claimants will vary, but Sheffield have estimated between 100-150 hours each year - this will also depend on whether the council or schools undertake actual FSM registrations.
- 6.5.5. Additional financial costs are deemed to be low, the main cost being distribution of letters to parents.
- 6.5.6. Councils have different relationships with their schools so it is important to agree whether and how to apply any respective financial costs or charges with schools - and confirm whether different types of schools (e.g. academy schools) should be treated differently. See [here](#) for a range of options that councils have put into place

6.6. Preparing and approving a council Business Case

- 6.6.1. It is likely your council will need to approve a business case. This will also help you decide at what governance level you will need approval.
- 6.6.2. Wakefield have recently completed their [Business Case](#) which they are happy for other Councils to use. Several councils are happy to discuss how they prepared their business cases - please get in touch with the FixOurFood team.
- 6.6.3. The Business Case will need to incorporate the data protection impact assessment, and you should consider running both parts of the process in parallel.

6.7. Communications and messaging

- 6.7.1. Ensure your council communications team is part of your overall project team. See [here](#) for example of a regular newsletter that was sent out by North Yorkshire.
- 6.7.2. It is important that schools and parents are reassured on the FSM auto-enrolment process - your letter to parents should reflect your council's normal tone and style - Sheffield provide an additional [information sheet](#) for parents.
- 6.7.3. The FSM auto-enrolment is presented as an additional part of the overall FSM registration. (See [Sheffield's FSM website pages](#) to show how the process is integrated).
- 6.7.4. You should still encourage parents to register for FSM using your current council's existing processes - and schools should also continue their normal FSM

- registration processes.
- 6.7.5. Some Councils have promoted their successes in news articles - see [Wakefield](#), and [Lambeth](#) for examples

Section TWO: How to set up FSM auto-enrolment

This section goes through specific actions presented in our high-level process map. It is important that you agree on a process that is appropriate for your council – as governance, administrative and departmental procedures may well be different.

1. Consolidate existing data to identify potential pupils

- 1.1. Decide as to what age ranges you want to include. Some Councils have included early years pupils, whereas others started with four-year-olds (i.e. Reception year).
- 1.2. Make sure you consider all potential data sets - these will include:
 - 1.2.1. Housing Benefit data
 - 1.2.2. Council tax data
 - 1.2.3. Universal Credit data (usually supplied by DWP for purposes of Household Support Fund)
 - 1.2.4. Consider whether it is possible to support in the identification of pupils from households with no recourse to public funds (see [Providing free school meals to families with no recourse to public funds \(NRPF\) - GOV.UK \(www.gov.uk\)](#))
 - 1.2.5. You should also discuss how to identify pupils who go to schools in your council area but live outside. Some councils are exploring data sharing agreements - and we will provide updates on how this can be set up as soon as we have successful examples.
- 1.3. Your Project team may identify other usable data sets. For example, one council had collated a database for purposes of their holiday activity programmes. Several councils use a commercially available '[Policy in Practice's Low Income Family Tracker \(LIFT\) data tool](#)'.
- 1.4. Once you have consolidated data sets, you will need to remove existing FSM registered pupils - this is usually a task for the Revenue & Benefits team.
- 1.5. You should make a decision on how you want to treat pupils who are entitled to FSM but who are schooled at home.

2. Issuing opt-out / right to object letters to identified households

- 2.1. See sample letters from [Sheffield](#) and [Wandsworth](#). As a minimum, letters must include:
 - 2.1.1. Explanation of the automated registration process.
 - 2.1.2. Notification of parents' right to object to their data being processed for this purpose.
 - 2.1.3. Instructions on how to exercise the right to object (e.g., contact details).
 - 2.1.4. Information on the implications of objecting on free school meal eligibility.
- 2.2. The letter should be friendly, transparent, and written in plain language to ensure parents easily understand the process and their rights. You should consider making the letter available in more than one language as appropriate for your population cohort. You could also consider using QR codes to find the letter translated in a number of different languages.
- 2.3. Allow 3 weeks period for parents to object - this has been identified as a sweet spot (under 3 weeks risks missing people being away and/or postage concerns, whereas over 3 weeks period risks household circumstances changing)

- 2.4. Allocate staff and time resource to prepare and send out letters.
- 2.5. Set up an appropriate enquiry mechanism to handle any calls or queries (this could be a customer services function or direct to the Benefits or Education team as appropriate for your council).

3. Confirming pupils who are entitled

- 3.1. Once the 3 week opt-out period is over, remove opt-outs from the data-set. Numbers are likely to be low, and experience from councils is that this is usually an age-related or administrative error rather than a deliberate parent/carer decision to recuse the child from receiving FSM.
- 3.2. Run the dataset through the [Eligibility Checking Service](#) if your council manages one. Some councils and schools also work with other eligibility checking service databases - these include: [London Grid for Learning](#) and [ESS SIMS](#).
- 3.3. It is very likely that you will receive negative results (i.e. not FSM eligible) **but it is important to note that this does not automatically mean these pupils are not entitled to FSM.**
- 3.4. Feedback from councils has urged caution, especially when considering:
 - 3.4.1. Parents/carers who are self-employed
 - 3.4.2. People claiming working tax credits
 - 3.4.3. Very recent changes in household circumstances
- 3.5. Discuss with schools where you think pursuing manual checks would be beneficial.
- 3.6. Be aware of sibling issues and opportunities, as they may appear in different checks, or be at different schools etc.

4. Registering Pupils for free school meals

- 4.1. As part of your process map, you should confirm with schools who will register pupils for FSM - some councils do this for schools - other councils pass on the relevant information for schools to complete the process.
- 4.2. Schools will normally enter a FSM start date in their MIS system against a pupil record, then on census day it pulls all the FSM data for all pupils. The data file gets uploaded into the government's Collect system.
- 4.3. Remember that there is an adjustment period following the October DfE census day which may allow you and schools to confirm final arrangements and numbers, but only claims that were made or requested before census day can be adjusted..

5. Embedding the FSM Auto-enrolment process into annual council plans

- 5.1. Councils should consider how to embed their FSM auto-award process into their annual cycle of FSM registration activity.
- 5.2. Capturing and recording impact measures for the policy is important - not only for additional pupils registered and receiving FSM meals, but also for pupil premium funding for schools, and additional services that are reliant on FSM registration. This might include interventions such as the Holiday Activity Fund, school uniform grants etc.

6. Feedback, further Q&A, and where to get further help and support

- 6.1. Please do contact sundus.mahdi@york.ac.uk, robert.oxley@york.ac.uk or myles@bremnerco.com for any specific comments or questions about this Toolkit
- 6.2. We want to ensure that this Toolkit contains the most relevant and helpful information, links and signposting. Your feedback is very important for our research project - and to

- 6.3. help other councils going through the process.
Please complete our Feedback form for this toolkit:
<https://forms.gle/rwSra5TVzpsP1cQP9>