

MIDDLESBROUGH COUNCIL	
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Report of:	Joint Director of Public Health Director of Finance and Transformation
Relevant Executive Member:	The Mayor Executive Member for Adult Social Care and Public Health Executive Member for Finance
Submitted to:	Executive
Date:	5 March 2025
Title:	Auto Enrolment of Free School Meals and Maximising Pupil Premium Funding Pilot across Middlesbrough
Report for:	Decision
Status:	Public
Council Plan priority:	A healthy place
Key decision:	Yes
Why:	Decision(s) will have a significant impact in two or more wards
Subject to call in?:	Yes
Why:	Non-Urgent decision

Executive summary	
<p>In early 2024, Resident and Business Support and Public Health embarked on a joint pilot which was designed to maximise Free School Meal entitlement for households who met the qualifying criteria but had not opted in for Free School Meals. On average this would provide a saving of around £400 per household (per pupil) once entitlement was confirmed. In parallel by increasing take up, this would provide a direct financial benefit to schools through the Pupil Premium funding arrangements.</p> <p>The findings have been significant with 546 more children now qualifying for Free School Meals and a further £765k identified pupil premium funding. All of the schools in Middlesbrough participated in the pilot initiative with all schools benefiting from pupils being identified as entitled.</p> <p>Consultation took place with Middlesbrough schools in December 2024 to provide an update on the pilot initiative and present the options for future delivery. Following discussions with the schools, the proposal for future delivery is as follows: -</p>	

1. Where Free School Meals are administered by the Local Authority, the auto enrolment will form part of the process of administering Free School Meals and included in the cost of administration.
2. Where Free School Meals are not administered by the Local Authority an administration fee of 10% will be applied for each pupil premium identified. This will be a one-off fee charged for any new case identified.
 - Following conversations with a number of schools this was the preferred approach as the 10% will be applied to the additional funding which the school will receive. As this is a one off, any ongoing Pupil Premium support the school receives for the relevant child(ren) the school will benefit from 100% of the premium.
 - Should the school decide for the Local Authority to administer their Free School Meals, there will be no administrative fee applied as this work will be charged and form part of the Free School Meal administrative fee.

Further advantages of the auto enrolment have also had a positive impact on more pupils having access to the Holiday and Activities Food Programme (HAF) in Middlesbrough. Early indication suggests that the HAF will continue for another 12 months with any additional take up of Free School Meals also benefitting from this programme.

Middlesbrough Council has received national press recognition for being a leading Local Authority on the auto enrolment of Free School Meals and are pleased to have shared best practice with a vast number of other Local Authorities across England via conferences and meetings. Middlesbrough are extremely proud to be able to support other Local Authorities with their 'take up' campaigns.

1. Purpose

- 1.1 To seek approval for the Council to undertake the Free School Meal and Pupil Premium initiative on a longer-term basis.
- 1.2 The Council has engaged with Middlesbrough schools in a meeting held on 13 December 2024, seeking thoughts/appetite on whether schools would wish for this work to continue on a longer-term basis. The schools were advised that the Council will write to schools ahead of extending the Free School Meal and Pupil Premium initiative to inform them that the schools who already have their Free School Meals administered by the Local Authority, will receive the auto enrolment service as part of the existing administration fee.
- 1.3 For Schools who are not in receipt of the Free School Meal service administered by Middlesbrough Council, the opinion of the Schools was sought, the Schools preference, was an administration fee of 10% be applied to any new pupil premium identified. In advance, the Council would write to all schools seeking approval to progress with the auto enrolment approach, at this time the School will confirm if it would wish to 'opt in/opt out'. The administration fee will apply to any new Pupil Premium funding secured through the auto enrolment initiative and this would be a one-off fee to cover the cost of the administrative effort by the Local Authority.

- 1.4 The purpose of the initiative is to ensure that schools are receiving the maximum benefit of Pupil Premium funding as well as contribute towards the Council's Plan to reduce poverty and create a healthy place by enabling children who are entitled to Free School Meals to access them.

2. Recommendations

2.1 That the Executive

1. Approve the continuation of the Free School Meals auto enrolment programme for Schools who 'opt in'. A 10% fee will be applied for any new pupil premium identified. The fee is intended to cover the Councils costs in administering the auto enrolment business process. The Council will write to Schools each year seeking approval from the School to participate in the auto enrolment initiative.

3 Rationale for the recommended decision(s)

- a. The continuation with the auto enrolment on to Free School Meals (including agreement from the Schools) means that those children who are eligible, do not miss out on a healthy nutritious meal at school.
- b. In addition to ensuring children are not missing out, the continuation of this initiative will also result in Schools receiving the maximum amount of funding from Central Government through the Pupil Premium grant which will allow a number of initiatives, defined by the individual School to be funded.
- c. Some children are automatically receiving Free School Meals through the Universal Infant Free School Meals (if they are in Reception, Year 1, and Year 2), and as such may not have registered formerly for Free School Meals, which means the School would be missing out on Pupil Premium. The auto enrolment take up would ensure that the Schools are maximising Pupil Premium and not missing out.
- d. The data captured from the pilot is included (see Appendix 1).
- e. The pilot initiative has supported families across Middlesbrough and will contribute towards reducing poverty, as children will have access to a Free School Meal, which may have been funded by the parent/carer at a cost of c£400 per pupil. The outcome will likely save Middlesbrough Households a combined saving of approximately £218,400 per year.
- f. The initiative has also directly benefitted from The Holiday and Activities Food Programme (HAF). The increased number of children in receipt of Free School Meals means more children have access to this programme. Following more recent announcements it would suggest that the Holiday and Activities Food Fund (HAF) will continue for a further 12 months.

- g. In December 2024, Middlesbrough Council united with 100 other organisations in an open letter to Government calling for pupils who meet the eligibility criteria but are not yet signed up to Free School Meals, to be automatically enrolled. Middlesbrough Council was one of 24 local authorities to add their signature to the letter, which implores Government to use the upcoming Children’s Wellbeing Bill to enable all children who are entitled to a Free School Meal to be automatically enrolled.

4. Background and relevant information

- 4.1 An initial report was presented to the Executive on the 26th June seeking approval to progress with a pilot initiative to implement the auto enrolment of Free School Meals, with the aim of increasing the number of children registered for Free School Meals and Pupil Premium funding, subject to the agreement of Middlesbrough Schools.
- 4.2 The initial report provides further background information and relevant information on the initial pilot initiative. The report can be found [here](#).

5. Other potential alternative(s) and why these have not been recommended

- 5.1 **Do nothing:** To continue with the current application process whereby the responsibility rests with households to apply for Free School Meals. Whilst this is still an option for parents, the proposed approach by the Council will ensure applications are maximised as is the Pupil Premium for Schools. The results from the pilot would suggest ‘doing nothing’ should be avoided.

6. Impact(s) of the recommended decision(s)

Topic	Impact
Financial (including procurement and Social Value)	The Council will undertake the auto enrolment of Free School Meals for those Schools who have agreed for the Council to undertake their administration of the Free School Meal process. This will be at an agreed cost (currently £4.22 per child for 2024/25) for those who have signed up to the Free School Meal administration, which will be reviewed annually. For the Schools who sign up for the auto enrolment of Free School Meals only, they will be charged a 10% administrative fee. This fee is 10% of the Pupil Premium funding generated only through this initiative.
Legal	Under Sections 512 and 512ZB of the Education Act 1996 the Local Authority, through Schools, or alternatively academies, are required to provide Free School Meals if a child is eligible and a request for Free School Meals has been made by or on behalf of that person to the Authority. The Local Authority has the “general power of competence” under Section 1 of the Localism Act 2011 which may include automatically enrolling children eligible for Free School Meals. In addition, Section 111 of the Local Government Act 1972 states a Local Authority shall have the power to do anything

	<p>(subject to any contrary provisions in the Education Act) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.</p> <p>Central Government recognises the benefits of providing a healthy school meal to the most disadvantaged pupils. The Education Act 1996 requires maintained Schools and academies (including free schools) to provide Free School Meals to disadvantaged pupils who are aged between 5 and 16 years old. The legislation the guidance refers to is: The Education Act 1996; The Welfare Reform Act 2012; Children and Families Act 2014.</p>
Risk	<p>The initiative supports the delivery of the Council's strategic priority 'A Healthy Place' to reduce poverty as set out in the Council Plan 2024-2027.</p> <p>The initiative will assist low income and vulnerable residents to meet day to day living expenses and provide additional funding to Schools to support the attainment gap and educational needs to improve the lives of local residents.</p> <p>The implementation of the initiative enables the service to deliver organisational priorities (Risk 08-054) and by reviewing the scheme periodically the Council continues to effectively review and amend the scheme to comply with any legislative changes (Risk 08-055).</p>
Human Rights, Public Sector Equality Duty and Community Cohesion	<p>There are no disproportionate adverse impacts on any group or individuals with characteristics protected in UK equity law. An impact assessment has been carried out and is attached.</p>
Climate Change / Environmental	<p>There are no disproportionate adverse impacts on the aspirations of the Council to achieve net zero, net carbon neutral or be the lead authority on environmental issues</p>
Children and Young People Cared for by the Authority and Care Leavers	<p>The initiative does not differentiate based on applicant background and therefore has no adverse impact on children and young people cared for by the Authority and Care Leavers.</p>
Data Protection	<p>A privacy notice has been published for the purposes of automatic enrolment, along with a service level agreement with Schools to include the provisions for the protection of data shared. A Data Protection Screening and Impact Assessment Form has been completed.</p> <p>Personal data will be processed for the purposes of the opt out automatic enrolment scheme. There must be a lawful basis to process personal data. The lawful basis would</p>

	therefore be the UK General Data Protection Regulation Article 6(1)(e) the processing of personal data for a Public Task supported by Sections 512 and 512ZB of the Education Act 1996 and Section 1 of the Localism Act 2011 and Section 111 of the Local Government Act 1972.
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Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
Implementation of the auto enrolment of free school meal initiative on a longer-term basis	Janette Savage	30 September 2025

Appendices

1	Data collection from the auto enrolment of Free School Meals and maximising Pupil Premium funding pilot
2	Impact assessment

Background papers

Body	Report title	Date
N/A		

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