



### **Local Authority Free School Meal auto-enrolment pilots**

Free School Meal auto-enrolment pilots have been carried out by councils determined to ensure children receive their Free School Meal (FSM) entitlement, and support schools to get much-needed pupil premium funding.

Local level auto-enrolment pilots have made a huge difference. For example, FixOurFood research pooled data from five local authorities in England who implemented FSM auto-enrolment processes in October 2023. Results suggested that over 2,500 additional children had been registered to receive free school meals, bringing in over £4.5million in additional school funding. Wakefield City Council alone registered an additional 1,183 children through the opt-out model.

### **Challenges faced by local authorities piloting auto-enrolment**

Unfortunately, local authorities have faced confusing, convoluted bureaucracy and time-intensive legal challenges in their aim to simply enrol *already eligible* children onto the free school meals they are entitled to.

Some of the barriers local authorities have reported include:

- Receiving conflicting legal advice on the lawfulness of sharing the data needed to identify eligible pupils.
- Being passed unnecessarily between government departments following data requests, delaying progress by several months.
- Coordinating data-sharing agreements with schools, especially non-local authority-maintained schools.
- Enrolling pupils who attend school in a local authority different to the one they live in.
- Working around the school calendar leading to a mixture of delays and extremely tight deadlines.

These issues are being faced by local authorities who are already over-stretched and under-resourced. They could all be overcome - ultimately saving time and resources - if the government established a national process of auto-enrolment to ensure children that are legally entitled to a free school meal are able to get one.

### **Case studies:**

#### **Redcar and Cleveland Borough Council**



Redcar and Cleveland Borough Council faced challenges in liaising with schools and obtaining the data sharing agreements needed to set up Free School Meal auto-enrolment. Some school census data was not up-to-date, and not all the schools in the borough were local authority maintained and so they had to set up two parallel systems for administering auto-enrolment. Added to that, some pupils go to school in the borough, but live in another local authority, which further complicates data-sharing. They were also working within a tight timescale, trying to get responses from schools before the end of the school year.

The pilot has been a success but given the obstacles faced by the local authority, more resources would be needed long-term.

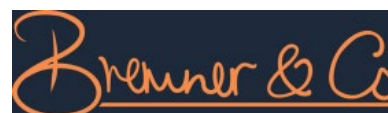
A representative from Redcar and Cleveland Borough Council: *“Setting up an auto-enrolment project has been a resource-intensive process. Given that not all children live in the same local authority they go to school in, it makes so much more sense for national government to step in at the national level and auto-enrol children who should be getting a free school meal.”*

### **Middlesbrough Borough Council**

Middlesbrough Borough Council pooled resources and staff from different teams to progress their Free School Meal auto-enrolment pilot. They worked within a tight timescale imposed by the school summer break and their aim to ensure that auto-enrolment was in place before the end of transitional protections (arrangements there to ensure pupils continue to receive free meals even if their household income rises above the eligibility threshold) in summer 2024.

Challenges included bringing the schools together – who were themselves under time and capacity pressures – particularly in liaising with some of the larger school trusts not maintained by the local authority. The local authority was fortunate to have software that enabled them to identify eligible pupils through school census data, which saved time, but is not available in every local authority.

South Tees Joint Director of Public Health Mark Adams, said of the successful roll out of FSM autoenrolment in Middlesbrough Borough Council: *“The process of liaising with schools, getting executive approval and working within the school timetable was possible, but not easy and places further pressure on already stretched school staff. We pooled staff teams from across the council, determined to do the pilot. It has been a*



*success, but this is not a realistic task for every local authority: national government needs to step in and help.”*

### **Local Authority 1:**

One local authority aimed to reach more children eligible for Free School Meals as part of their aim to reduce food poverty. They also hoped to improve educational outcomes by increasing pupil premium funding, which is attached to each free school meal applicant to support their education, to schools. The pilot had senior cross-cabinet support in the council.

Unfortunately, it was blocked by legal issues. Following advice from data protection and legal officers, the council didn't feel able to risk sharing the data needed to identify eligible pupils for the purpose of increasing free school meal uptake. For now, they have delayed the pilot by another year whilst they try to learn from the experiences of other local authorities.

*A local authority representative said: “Our local authority wanted to reach more children eligible for Free School Meals as part of our aims to reduce the worryingly high levels of food poverty in our area and improve educational outcomes by increasing pupil premium funding to help schools better deliver for children. Unfortunately, we were extremely disappointed and disheartened that the project was halted by legal issues.”*

### **Local Authority 2:**

A local authority in the Northwest began looking into the auto-enrolment process in April 2023. To obtain the data they needed to identify eligible pupils they had to challenge decisions by the Department for Work and Pensions (DWP) and HMRC, a process which has taken over a year.

They initially received limited data and then data refusals from DWP. Following a challenge by the local authority legal team, DWP granted them permission for more data provided HMRC also provided permission – which was refused.

The local authority legal team wrote to HMRC to ask their reason for the refusal and found they did not need HMRC's permission for the data needed. This whole process has been at great expense, resource and time for the local authority.

*A local authority representative said: “The process of setting up auto-enrolment began over a year ago in 2023 but was beset by legal issues around data sharing. We were sent*



*around in circles, - given access to data that didn't have what we needed and then refused permission for data by DWP unless HMRC provided permission too, which was refused. Our legal team successfully managed to challenge these decisions, but it shouldn't be the case that a local authority is having to go through this process against government departments – it costs money and takes significant time and resources.”*