

Results of Freedom of Information request on school meal debt processes

Report for Aberlour Child Care Trust

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Report on the FOIs for school meal debt processes

This document provides a report on the Freedom of Information requests sent to all authorities in April 2022 in light of the first school meal FOI sent in December 2021. The first FOI collected data on school meal debt which revealed that there was approximately **£1,032,500 in total** owed by families across Scotland. As all P1-P5 pupils now receive a universal free school meal and, as the FOI discovered, it is not often possible to accrue secondary school debt, this means that **this sum owed pertains in the main to P6 and P7 pupils.**

The first FOI found that local authorities with lower levels of child poverty, especially rural local authorities, were more likely to have above average levels of school meal debt. As it is people who are in paid employment who pay for school meals, this suggests significant levels of in-work poverty that is manifesting in parents not being able to afford school lunches for their children.

The first FOI also highlighted issues that required further investigation, hence this second FOI.¹ Issues we wished to explore further included:

1. How/if secondary pupils can access a school meal with a zero or negative balance on account
2. Late free school meal registration debt
3. Debt transfer from primary to secondary school
4. Debt recovery mechanisms

Recap on school meal thresholds

Who has school meal debt?

THE FAMILIES MOST LIKELY TO HAVE SCHOOL MEAL DEBT ARE THOSE WHO ARE WORKING, ON LOW INCOMES, AND WHO WOULD HAVE BEEN ELIGIBLE FOR FREE SCHOOL MEALS TWENTY YEARS AGO.

To be eligible for free school meals the income threshold for families in receipt of child tax credits is £16,105 and, for those in receipt of both child tax credits and working tax credits, the income threshold is £7,500. The threshold for those in receipt of universal credit is also £7,500 (multiply £625 by 12). The fact that this is stated as a monthly rather than an annual amount suggests that if people's income varies from month to month it may have an effect on their free school meal entitlement. This was indeed the case for some local authorities where eligibility can change throughout the year. The income thresholds, set in 2002 and (usually) updated annually, are given in table 1.

¹ <https://www.aberlour.org.uk/wp-content/uploads/2022/03/Summary-of-School-Meal-Debt-March-22.pdf>

Table 1- History of CTC and WTC income thresholds

Regulation	Commencement date	Income level (CTC only)	Income level (CTC and WTC)
The Tax Credits (Income Thresholds and Determination of Rates) Regulations 2002	06-Apr-02	£13,230	£5,060
The Tax Credits (Income Thresholds and Determination of Rates) Regulations 2002	06-Apr-03	£13,230	£5,060
The Tax Credits Up-rating Regulations 2004	06-Apr-04	£13,480	£5,060
The Tax Credits Up-rating Regulations 2005	06-Apr-05	£13,910	£5,220
The Tax Credits Up-rating Regulations 2006	06-Apr-06	£14,155	£5,220
The Tax Credits Up-rating Regulations 2007	06-Apr-07	£14,495	£5,220
The Tax Credits Up-rating Regulations 2008	06-Apr-08	£15,575	£6,420
The Tax Credits Up-rating Regulations 2009	06-Apr-09	£16,040	£6,420
The Tax Credits Up-rating Regulations 2010	06-Apr-10	£16,190	£6,420
The Tax Credits Up-rating Regulations 2011	06-Apr-11	£15,860	£6,420
The Tax Credits Up-rating Regulations 2013	06-Apr-13	£15,910	£6,420
The Tax Credits Up-rating Regulations 2014	06-Apr-14	£16,010	£6,420
Tax Credits Up-rating Regulations 2015	06-Apr-15	£16,105	£6,420
2016 - Frozen			
2017 - Frozen			
2018 - Frozen			
2019 - Frozen			
The Tax Credits, Child Benefit and Guardian's Allowance Up-rating Regulations 2020	06-Apr-20	£16,385	£6,530
The Tax Credits, Child Benefit and Guardian's Allowance Up-rating Regulations 2021	06-Apr-21	£16,480	£6,565

Note in table 1 how little the income thresholds for eligibility for free school meals have changed in 20 years. Using the Bank of England's inflation calculator, £13,230 in 2002 was equivalent to £22,900.79 in 2021.² **This means that far fewer lower income families are eligible for free school meals.** In the gap between those earning the current threshold of £16,480 and the threshold had it kept pace with inflation (£22,900), there is a group of families and children who are no longer eligible for free school meals.

The Scottish Government has control over these thresholds. It can increase them in line with inflation.

² <https://www.bankofengland.co.uk/monetary-policy/inflation/inflation-calculator> (Accessed 21/2/2022)

Summary of returns

Twenty-nine of Scotland's 32 local authorities responded to this FOI request. Those that did not were Midlothian, Falkirk and Fife.

How/if secondary pupils can access a school meal

The first FOI on school meal debt spontaneously revealed that debt cannot accrue in secondary schools because of the need for school meals to be paid in advance using a cashless payment system such as ParentPay. In order for a secondary school pupil to obtain a meal when they have no money on account they have to go to the school office and request a voucher to access a school dinner and then the debt is applied to their parents' cashless account. There are several things that was concerning about this:

- The stigma attached to going to the school office to request a voucher that identifies you as having no money on your school meal account. One local authority seems to deliberately choose to use stigma as a tool as they wrote in their FOI: *"Within the secondary sector pupils have to attend the school office to receive a meal voucher to encourage them to have funds on their account."*
- Some local authorities report that providing a secondary school pupil with a meal is discretionary, which suggests the certain pupils may not be given a meal if the person in the school office decides not to.
- Sometimes food is restricted to secondary school pupils if they have no money on their account, i.e. they are only allowed the plated hot meal rather than a selection available to other pupils, and they can be prevented from having any food or snacks at morning break.

We were concerned that secondary school pupils with no money on their cashless account would not present to the school office for a voucher due to stigma, shame and debt accruing to their parents. Instead, such pupils were likely to be going hungry. We wanted to investigate this further in the second FOI to see if this was a systemic issue across Scotland.

The following question was asked of all local authorities:

Can secondary pupils with a zero or negative balance on their school meal account access a school meal? If they can access school meal, what is the process for doing so?

A summary of responses:

Yes they can (but it accrues debt/must be repaid)	19
No they can't	1
It's discretionary	9

The results show that there is variability in practice across Scotland. How a child will be treated in this situation depends on which local authority they live in.

There are several issues of note from the responses to this question:

1. The majority of local authorities emphasised a child or young person will not be refused a meal if there is a zero or negative balance on their school meal account.
2. Several local authorities emphasised that this is a rare occurrence.
3. Debt does accrue to the family if the child or young person receives a meal.
4. In a couple of instances catering staff are managing this system even though the catering service is completely separate from the financial payments system, which is the responsibility of the school or council.

Let's look at these points in order.

The process for obtaining a school meal when a child or young person has a zero or negative balance on their school meal account is highly stigmatising, shaming and results in parents being contacted for payment or accruing a debt. In some instances, the process seems deliberately stigmatising so as to deter a young person from having a zero balance. What the councils are failing to realise is that this is not reducing the likelihood of having a zero balance but it will reduce the likelihood of presenting to school staff for a school meal as this would mean admitting to being hungry and having no money, and knowing your parents will be pursued for the cost of the meal.

This takes us to the second point of this being a rare event. The reason it is a rare even is not because the number of pupils with a zero balance needing a meal are few, but because the process is too stigmatising and shaming. **This means that there is very likely to be presently unquantified levels of hidden hunger in secondary schools.**

The Poverty and Inequality Commission recently undertook focus groups with young people on the subject of poverty and the young people themselves mentioned they had friends, who were not eligible for free school meals, who were going hungry at lunchtimes. This was information spontaneously proffered by the young people, the subject of the focus group was not school meals or food. Comments included:

"In my friend group, I'd say about half of them can't eat food when we go out, so you see people buying food for their friends. They come to lunch with me even though they're not getting anything. We go to Greggs and, because I've got like £3 or £3.50 to spend, I'll get two Yum Yums and a sausage roll and I'll give them the Yum Yums, just because they don't get any food anyway."

"I know a good few people who don't actually get lunch because they feel like they're using the money their parents could be using for something better...They feel responsible."

"Aye, [they don't buy lunch] so they can give that food money back to their parents. I don't think that's right."³

This suggests that this is a very present and real problem but one that is hidden from schools and local authorities.

The fourth point is that there is variation in who administers the school meal and chases the debt in these cases. In a few cases, the catering staff are left to manage the situation. The catering service does not receive the funds for school meal payments and so should have no part in monitoring or pursuing this. Catering staff themselves are on low incomes and have part-time and term-time only contracts, although this is in the process of change. It is not acceptable to pass this responsibility from the local authority to the catering service.

Sometimes, the staff in the school office are often the first port of call for managing this discretionary meal offer. Previous research has shown that office staff are not always trained in issues around poverty and have not always shown sensitivity or discretion in these types of situation. These tasks should not fall to members of staff who have not received specific training on poverty.

³ Poverty and Inequality Commission Scrutiny Report 2022 – forthcoming.

Comments on this process include:

“No, pupils cannot not go into debt, In the circumstance described above the pupil would go to the school office, where the school would check their account and to the school’s discretion give a temporary loan which would be required to be paid back.”

“A temporary overdraft can be added to allow pupils who have no funds on their account (this is only temporary and must be cleared or support from guidance sought).”

“Secondary pupils can only purchase a meal/snack if they have credit on their account. Schools will have a procedure in place in exceptional circumstances to ensure a pupil receives a lunch where required.”

“If they have a zero balance they would report to the school office. The HT at each school has discretion for offering the hospitality card to access school meals.”

“A manual record is kept by the kitchen staff, the cook will check the balance on their account and process the charge retrospectively. (very rare occasions)”

“The catering staff currently manually record meals and will take the money from the account when available.”

“No pupil would go without a meal. If a pupil is down to a negative balance the pupil is advised and the money is thereafter paid in. It should be noted that this is not a common issue and would only apply to very small number of pupils. Catering service/school staff text or e-mail parents regarding money outstanding.”

“Technically pupils in secondary school cannot access a meal if they don’t have money on their ParentPay account, but local arrangements are in place to provide a meal in emergency situations. Where possible the cost of these meals are recovered when the pupils have a positive balance on their account or from school funds. Pupils wellbeing is treated as the priority.”

“Any secondary pupil who presents for a meal at lunchtime, but has insufficient funds in their account, will always be offered a hot plated meal – the cost of which will be applied to their account.”

“All pupils that present for a school meal are given their meal of choice irrespective of balance on card. Details of balance owned are passed to school office to discuss with pupil and outstanding balance.”

“If no funds are available on the account the school Office will issue a slip and then the school will chase this up with the family.”

“Pupil's (sic) are unable to order online if they have a negative balance, however they can approach the school office who will arrange a meal for the child. School Office will inform parent that child had no funds and when parent uploads funds the debt is automatically deducted.”

“Each school has a different process for accessing a school meal with a negative balance. Some schools pay for the pupil and recoup monies from parents. Others, come direct to the catering service who then notifies the parent that there is an outstanding balance.”

“Each school has a local arrangement but generally by the pupil going to the kitchen staff or the office they are given credit to take a meal.”

“Pupils go to the school office who provide authorisation for the catering manager to supply lunch up to the value of a free school meal which ensures access to a healthy nutritious meal.”

“They would let a teacher know and the teacher would let the Cook know or the pupil would speak directly to the Cook.”

Late free school meal registration debt

The following question was asked of all local authorities:

Where a family makes a late application for free school meals does this write-off any debt that may have already accrued or does the debt have to be paid?

A summary of responses:

The debt is written off backdated to the date of eligibility	13
The debt is written off completely	7
The debt is not written off, it has to be paid	6
It is at the head teacher’s discretion	3

The results show that there is variability in practice across Scotland. How a family will be treated in this situation depends on which local authority they live in and, in three instances, who the head teacher is.

Comments include:

“There are occasions where debt is continued forward following a late free meal registration. These registrations are not usually backdated but there may be occasions where such action can be justified.”

“It writes off any debt.”

“Free school meals (FSM) are backdated to when the pupil became eligible, meaning any debt would be written off.”

“No, it does not write off debt therefore should be paid.”

“When a pupil is allocated a free school meal this automatically feeds into the cashless catering system from SEEMIS. If a pupil has incurred debt prior to being allocated a free school meal then the Head Teacher can apply to head of service for the debt to be written off. Head teachers can also apply for a pupil to be allocated a free school meal as a temporary measure if they feel the family circumstances may require (e.g. parents separating and free school meal application in process).”

“Debt has to be paid as Free School Meals cannot be back dated.”

“Perth and Kinross Council’s policy is that free school meal applications are not backdated and this is stated on the Council website. Free school meal claims are only active from the date they are approved by Education & Children Services (ECS), after an application has been submitted by the parent/carer with supporting benefit evidence. Any debt that may have accrued before an application has been approved by ECS is not back dated and should be paid by the parent/carer.”

“This is at the discretion of the Head Teacher.”

Debt transfer from primary to secondary school

The following question was asked of all local authorities:

Does school meal debt outstanding at the end of primary seven transfer to secondary school?

A summary of responses:

The debt is not transferred to secondary school	16
The debt is transferred to secondary school	7
The debt is referred to the council for recovery	6

The results show that there is variability in practice across Scotland. How a family will be treated in this situation depends on which local authority they live in. Of those who said the debt is not transferred, some indicated that the debt continued to be pursued while others said nothing to indicate whether it was pursued or written off.

Comments include:

“No, debt is transferred to secondary school as we don’t allow debt in secondary school. Any debt will be moved to the Local Authority creditors’ list and an invoice issued for the debt.”

“Debt below £20 will be transferred to Secondary account. Debt over £20 will remain with the Primary School and the council’s Debt Management Process followed accordingly.”

“If the debt is less than £250 we will automatically send this to our Sheriff Officers for collection following the issue of the final reminder. The Sheriff Officers will attempt to collect the debt by contacting the customer through all available means i.e. telephone calls, post, emails, text messaging.”

“No. Parents are notified of outstanding debt and requested to pay.”

“No – normal Council debt procedures will apply for debt owed at the end of P7.”

“Yes, if there is school meal debt when a child leaves primary to move on to secondary school the debt remains, and a separate account is set up in Parent Pay to allow this to be paid off.”

Debt recovery mechanisms

Of the 29 local authorities who responded, 22 said that debt on the school meal system gets referred to the council for debt collection. Only 7 said they did not refer in this way. Some councils said this was only used as a last resort after efforts had been made to come to arrangements with families to repay the debt.

What is important to note is, once again, that the system differs by local authority and so children and families across Scotland will have a different experience depending on where they live.

Further, the threshold for a legal process to be started, that is, the sums of debt reached before action is taken, can be as low as £10 and as high as £100, depending on the local authority.

Finally, this action can result in Sheriff’s Officers taking action against families (for what are incredibly low sums of money).

Comments include:

“If the debt is less than £250 we will automatically send this to our Sheriff Officers for collection following the issue of the final reminder. The Sheriff Officers will attempt to collect the debt by contacting the customer through all available means i.e. telephone calls, post, emails, text messaging.”

“In primary schools yes if the debt is not settled following our debt reminder process an invoice is raised and the council pursues the debt.”

“School meal debt is accumulated only from primary school meals. The council’s Debt Management Process is followed.”

“Yes - but only after school has tried to manage it with Parents/Carer.”

“Yes, however home school link workers attempt to intervene before this happens.”

“School meal debt is treated the same as all other council debt and will get processed through the council debt system with may result in being referred to sheriff officers for collection.”

“Yes; the Comhairle raises a formal debtor invoice once debt reached -£10”

“There is a lunch arrears process for meal debts. Parents have visibility of any debt on the ParentPay system and schools should also contact parents advising of the accrued debt and of how to pay. If debts reach £100 per child, an invoice is raised centrally and issued to the parent/carers. Thereafter, the Council’s bad debt policy is followed. This process is used for all schools.”

“Once it over £23.00 and an invoice is raised.”

“Parents are given several notifications of their account balance and the opportunity to pay or arrange free school meal entitlement before it moves to the invoicing stage. Corporate debt recovery will work with parents/carers to work out repayment terms.”

“Once school meal debt reaches £100, the normal Council debt collection procedures apply.”

“Yes. An invoice would be raised for any debt over £30 at the end of each school term. This is transferred to the council’s Income & Recovery Service.”

“Yes, when debt on the school meal system exceeds the threshold (£100) it gets referred to the council debtors section.”

“Debts arising from the provision of school meals may be passed to the Council’s department responsible for debt collection. This is at the discretion of the Head Teacher and would only be carried out when all other attempts to encourage the family to reduce and discharge the outstanding amount owed.”

“We do not use sheriff officers unless they have substantial arrears, and are not responding to any of our reminder letters, or legal action.”

United Nations Convention on the Rights of the Child (UNCRC)

The United Nations Convention on the Rights of the Child (UNCRC) sets out the fundamental rights of all children and is the most widely ratified human rights treaty in the world.⁴ It contains 42 articles that set out children's rights in relation to health and education, social security and financial support, adequate standard of living, leisure and play, fair and equal treatment, protection from exploitation and the right to be heard.⁵ It has a further 12 articles that set out how adults and governments must work together to make sure all children can enjoy all their rights. The UK ratified the UNCRC in 1991.

On 16 March 2021, the Scottish Parliament unanimously passed the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill. The Bill aims to incorporate the UNCRC into domestic law, which would mean that public authorities must act in a way that is aligned with children's rights.⁶ At the present time the Bill cannot be enacted because certain aspects of it were considered to be outwith the competence of the Scottish Parliament. However, the work contained in it to implement children's rights in Scotland continues.

One example of such work is that over half of schools in Scotland have signed up to a UNICEF sponsored award called the Rights Respecting School Award (RRSA).⁷ The Rights Respecting Schools Award puts children's rights at the heart of schools.⁸

The analysis of the FOIs contained in this report suggests that not all children in Scotland are having their rights upheld in schools. The children least likely to have their rights upheld in relation to school meals are those who live in families where their parent(s) is/are working but on a low income. Further, whether or not their rights are being upheld depends on where they live and what school they go to. The situation differs by local authority and, even, sometimes, by school. It is important to recognise that it is government policy that precludes these children from being eligible for free school meals due to the unnecessary adherence to eligibility criteria that have not kept pace with inflation. These children would have been eligible under the auspices of previous governments.

Calls to action

1. We call on the Scottish Government to increase the free school meal threshold to £25,190 and to have it increase annually in line with inflation. This figure is the £22,900 calculated using the Bank of England's inflation calculator plus 10% to take account of inflation in 2022.
2. From August 2022, the Scottish Government should give interim cash payments to eligible families while the new system is implemented.
3. Universal free school meal entitlement for primary schools should be implemented immediately, with interim payments to families while the new system is implemented.
4. Universal free school meal entitlement for secondary schools should be implemented before the end of this parliament.
5. We call on the Scottish Government to provide the funds to local authorities to write off school meal debt, a figure that is approximately £1 million.

⁴ <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

⁵ https://www.unicef.org.uk/wp-content/uploads/2019/10/UNCRC_summary-1_1.pdf

⁶ <https://www.unicef.org.uk/rights-respecting-schools/crc-incorporation-in-scotland/> (Accessed 22 February 2022).

⁷ <https://www.unicef.org.uk/rights-respecting-schools/scottish-success-international-visit-rrsa/> (Accessed 22 February 2022)

⁸ <https://www.unicef.org.uk/rights-respecting-schools/the-rrsa/about-the-rrsa> (Accessed 22 February 2022)