

# **Equality Impact Assessment for a change in policy from expansion of universal free school meal provision for primary 6 and 7 pupils, to expansion of free school meals to primary 6 and 7 pupils in receipt of the Scottish Child Payment - Results**

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## **Title of Policy**

Change in policy from expansion of universal free school meal provision for primary 6 and 7 pupils, to expansion of free school meals to primary 6 and 7 pupils from families in receipt of the Scottish Child Payment.

## **Brief summary of aims and desired outcomes of Policy**

The policy aim is to ensure support for children attending public schools by widening access to free school meals to those in primaries 6 and 7 on the basis of Scottish Child Payment (SCP).

This will support children in primary 6 and 7 whose families are in receipt of SCP by providing free lunches, the cost of which would otherwise be approx. £400 per year. In addition, free school meals are required to be provided in accordance with the nutritional standards for food provided in schools, therefore the food is healthy and nutritious and supports individual pupils health and wellbeing.

This also supports the following national outcomes:

- “We grow up loved, safe and respected so that we realise our full potential.”
- “We are well educated, skilled and able to contribute to society.”
- “We respect, protect and fulfil human rights and live free from discrimination.”
- “We tackle poverty by sharing opportunities, wealth and power more equally.”

## **Directorate: Division: Team**

Directorate for Learning: Improvement, Attainment and Wellbeing Division: Support and Wellbeing Unit

## **Executive summary**

The Programme for Government 2023 states that the Scottish Government will:  
*Work with COSLA in the coming year to prepare schools and infrastructure for the expansion of universal free school meal provision to Primary 6 and Primary 7 pupils, starting with those in receipt of the Scottish Child Payment....*

The Scottish Government's free school meal programme has been delivered in phases since 2016 with 2 remaining phases to be delivered. We are currently working with local authorities on delivery to those in receipt of Scottish Child Payment in primaries 6 and 7, as the 4<sup>th</sup> phase. The final phase (phase 5) would be to deliver universal provision to primaries 6 and 7 however due to the challenging fiscal position ministers have made the difficult decision to delay the universal phase of implementation to primary 6 and 7 pupils. However, ministers have made it clear that should funding become available, that steps to deliver this phase would be taken.

It is considered that not expanding free school meals on a universal basis to primary 6 and 7 pupils would have a neutral impact. This is because there has not been delivery of universal free school meals to primary 6 and 7 pupils as a result of the national commitment to this phase of expansion. However, it is acknowledged that the positive impacts that would have been delivered for primary 6 and 7 pupils who are neither eligible for free school meals on the basis of their families eligibility under the criteria set out within the 1980 Act, nor as a result of eligibility for Scottish Child Payment will not now materialise at this time.

Work to deliver the next phase of delivery of free school meals to those in receipt of Scottish Child Payment in primaries 6 and 7 is underway and it is expected that this phase will help mitigate the impact of the policy decision on delaying roll out of universal provision to this group. There is also no intention to alter eligibility to access free school meals as a result of criteria under the Education (Scotland) Act 1980 (the 1980 Act) and therefore support to families via this route will remain in place and therefore lessen the impact of the decision. This is within the context that the Pupil Census 2023 confirms that over half of all pupils are now registered for free school meals.

The Equality Impact Assessment (EQIA) has supported understanding of issues that impact pupils, parents and carers with protected characteristics and has helped to us in our considerations to prioritise those in receipt of SCP in primaries 6 and 7 as the next phase of the free school meal programme.

## **Background**

The Scottish Government has a long history of ensuring provision of food to children and young people.

The current free school meal programme has been expanded using a phased approach. Currently, universal free school meals are available during school term-time for all 280,723 children in primaries 1 to 5 and special schools, as well as 81,606 eligible pupils in primary 6 to secondary 6. This was delivered through the following phasing:

- Phase 1 - Universal FSM has been available to P1 to P3 pupils since 2015.
- Phase 2 - Universal FSM has been available to P4 pupils since August 2021.
- Phase 3 - Universal FSM has been available to P5 and special schools since January 2022.

We are currently working with local authorities on delivery of Phase 4 to those in receipt of Scottish Child Payment in primaries 6 and 7. The final stage would have been to deliver universal provision to primaries 6 and 7.

Free school meals are one of a range of strategies which support children and young people to overcome barriers to their learning. They are nested in legislation alongside provisions to support provision of clothing in recognition of the need to support young people's welfare. The provision of free school meals also supports the provision of healthy, nutritious food and establishment of healthy habits within young people, particularly in the primary sector. There is also evidence that, where children and young people eat outside school, the nutritional value of the food they are eating is significantly lower than in school. Anecdotal evidence from families and schools consistently suggests that, over time, children and young people who eat in school become more willing to eat foods they would previously have refused. This provision has been made to families, traditionally, who met certain eligibility criteria. Over time the eligibility criteria for provision of free school meals has gradually expanded to recognise families who experience low income and those in particular circumstances, for example those seeking asylum, who may not have ready access to income or may experience low income.

During the 2023-24 budget statement, the Scottish Government announced that the next phase of expansion will be to primary 6 and primary 7 pupils in receipt of the Scottish Child Payment (referred to as Phase 4, and benefiting c.26,000 children).

This final phase of the national commitment to universal free school meals for primary 6 and 7 pupils (phase 5) has not yet begun, and would have provided meals to around 74,000 additional children across Scotland. It would have been open to all and therefore remove any barriers to accessing nutritious food during the school day no matter what the child's circumstances may be.

This policy contributes to the following National Outcomes:

- "We grow up loved, safe and respected so that we realise our full potential."
- "We are well educated, skilled and able to contribute to society."
- "We respect, protect and fulfil human rights and live free from discrimination."
- "We tackle poverty by sharing opportunities, wealth and power more equally."
- "We value, enjoy protect and enhance our environment."

## **The Scope of the EQIA**

This Equality Impact Assessment has assessed the potential impact of stopping the expansion of the free school meals programme to those in Primaries 6 and 7 (universally). The policy is intended to be a positive benefit to pupils and their families.

The EQIA has considered relevant data related to the protected characteristics of age, disability, sex, pregnancy and maternity, gender reassignment, sexual orientation, race, religion or belief and marriage and civil partnership the evidence we have gathered which indicates potentially different impacts upon persons with

protected characteristics or whether there is an opportunity to improve equality in an area.

There was limited information available in relation to the following protected characteristics, although we consider that having these protected characteristics will not prevent access to free school meals due to other eligibility criteria related to financial circumstances are already in place:

- Pregnancy and maternity
- Gender reassignment
- Marriage or civil partnership

In line with the requirements of the general equality duty, we have considered the need to:

- eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the act;
- advance equality of opportunity between persons who share a relevant protected characteristic and those who do not; and
- foster good relations between persons who share a relevant protected characteristic and those who do not.

Our findings were informed from data including; statistical information from [Poverty and Income Inequality in Scotland 2020-23](#) and [Summary statistics for schools in Scotland 2023](#). Further evidence considered also included, the tackling child poverty delivery plan, [Best Start, Bright Futures](#), the report from Child Poverty Action Group on [the cost of the school day](#).

Our 2023 healthy living survey found that 231,957 free school lunches were provided to children and young people on survey day. This represents an increase from the previous high of the 215,053 free lunches provided in 2022.

The proportion of eligible pupils taking a free school meal has also increased on the previous year to 70.4% from 67.2%. Our pupil census shows that over half of pupils are now registered for free school meals, this includes universal and those legally eligible pupils.

In 2015 NHS Health Scotland commissioned research on the policy for the expansion of universal Free School Meals roll out in primary 1 to 3 meals (the full report can be found here [Evaluating universal infant free school meals, Scotland: second monitoring report of school-meal uptake](#)).

The evaluation, published in 2016, found that the majority of schools and local authorities had implemented the policy successfully within a year. However barriers to implementation included having enough experienced, well-trained staff in place, infrastructure constraints, time pressures, space constraints, and concerns around policy communication and engagement.

The evaluation also highlighted that there were facilitators which aided implementation, including well trained catering and dining hall support staff,

improvements to infrastructure and equipment, changes to dining arrangements, and partnership working between catering and education stakeholders.

The evaluation found that the most significant impact of universal provision has been increased uptake of school meals, particularly on days when popular menu choices are available. Families on low incomes, and families on higher incomes with significant demands on that income, were perceived to have benefited most. It should be noted that concerns were raised that a universal policy for primaries 1-3, with many well-off families benefitting, was seen at the expense of less well-off families with children in primaries 4-7.

Universal entitlements to free school meals mean the impact on child poverty is at least diluted.

Free School Meals are counted as a source of income when measuring poverty targets, as is clothing grant, in establishing median income<sup>1</sup>. So the recent expansion[s] of FSM, and associated spend, have a negative impact on child poverty targets. The impact may not be significant but there is an unintended effect when considered through this lens. Therefore it would appear that the SCP option would be a more targeted/cost effective option considered through a child poverty perspective.

In terms of whether universal or targeted approaches are preferred, there are clear benefits to both, however these relate to different outcomes for children and young people. Universal options are established through research to have benefits to outcomes which are related to wellbeing and learning, dependent, naturally, upon uptake. However, options aligned to Scottish Child Payment are believed to provide better benefits against outcomes aligned to child poverty.

## Key Findings

The provision of free school meals to children and young people from primary 6 onwards is predominantly a policy focussed upon tackling poverty.

The following protected characteristics have been considered when preparing this Equality Impact Assessment and we do not expect any negative impact from this policy action:

Age

Though the schools provisions in Part 6 of the [Equality Act 2010](#) do not apply to the protected characteristic of age we have considered this area as it is clear that a specific school age group is impacted by this policy approach.

The Scottish Government has had a phased approach to the implementation of the expansion of free school meals programme as this was considered to be an appropriate approach which would ensure children were supported at key stages of

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<sup>1</sup> It is considered against UK median income

their development. Phased delivery also allowed for infrastructure planning in local authorities and funding to support both infrastructure planning and provision to be identified.

Phased delivery started in 2016 with the roll out to primaries 1-3 on a universal basis. Universal provision was offered to those in primary 4 and primary 5 along with Special Schools, in 2021 and 2022 respectively. The ultimate phase would be universal provision to those in primary 6 and 7. The policy decision to delay roll out of universal provision to primary 6 and 7 pupils is mitigated by an interim approach to provide free school meals to those in primary 6 and 7 whose families are in receipt of Scottish Child Payment. There is also no intention to alter eligibility to access FSM arising from eligibility criteria related to financial circumstances and therefore support to families via this route will remain in place.

Because there has not yet been delivery of free school meals to primary 6 and 7 pupils on a universal basis, there is no impact to them as a result of the delay to implementation of the policy approach. However, it is acknowledged that the intended positive impact of this expansion will not currently be achieved. Therefore the overall assessment of this policy impact is neutral.

#### Disability

The Poverty and Inequality Statistics Report, covering the period 2020-23, noted there was a higher proportion of households in relative poverty after housing costs, with a disabled person in the household (24%) in comparison to households with no disabled persons (18%): [Poverty and Income Inequality in Scotland 2020-23 \(data.gov.scot\)](#).

Furthermore, when disability related benefits are not included in the household income the relative poverty rate after housing costs becomes 28% for households with a disabled person, compared to 17% for households with no disabled persons. Families with a disabled person are one of the six priority family types identified as being at higher risk of child poverty. Further evidence in relation to this characteristic is available from [Poverty and Income Inequality in Scotland 2020-23](#).

Though disabilities may impact on the ability of a parent/carer to work this would not be a barrier to any child or young person from being able to benefit from free school meal entitlement via eligibility criteria. In addition, disabilities do not form any part of entitlement criteria for free school meal provision. Therefore the impact of this policy decision on disabled pupils is considered to be neutral.

#### Gender

The Poverty and Inequality Statistics Report, covering the period 2020-23, noted the relative poverty rate after housing costs was highest amongst single men with no children - with a relative poverty rate of 33%: [Poverty and Income Inequality in Scotland 2020-23 \(data.gov.scot\)](#). The relative poverty rate amongst single mothers and single women with no children was lower at 29% for both demographics. In addition, the relative poverty rates amongst married and co-habiting adults was lower

still at 15% and 16% respectively. Poverty rates over the period 2020-23, after housing costs, were 30% among all single adults and 28% among divorced or separated adults.

Gender is not a barrier to any child or young person to accessing free school meals. In addition, gender plays no part in any eligibility criteria associated with free school meals, therefore the impact is assessed as neutral in relation to this protected characteristic.

#### Sexual orientation

The Poverty and Inequality Statistics Report, covering the period 2020-23, noted the relative poverty rate was higher amongst LGB+ adults (25%) than among straight/heterosexual adults (19%), or those whose sexual orientation was unknown (21%) (although the latter category also includes those who chose not to answer the question): [Poverty and Income Inequality in Scotland 2020-23 \(data.gov.scot\)](#)<sup>2</sup>. Sexual orientation is not a barrier to any child or young person to accessing free school meals as a result of eligibility criteria. In addition, sexual orientation plays no part in any eligibility criteria associated with free school meals, therefore the impact of this change in policy is assessed as neutral in relation to sexual orientation.

#### Ethnicity

The Poverty and Inequality Statistics Report, covering the period 2020-23, noted people from minority ethnic (non-white) groups were more likely to be in relative poverty after housing costs compared to those from the White - British or White - Other groups: [Poverty and Income Inequality in Scotland 2020-23 \(data.gov.scot\)](#). The relative poverty rate was 51% amongst 'Mixed, Black or Black British and Other' ethnic groups, and 50% amongst the 'Asian or Asian British' ethnic group. However the poverty rate amongst the 'White - Other' group (22%) was also higher than that of the 'White - British' group (18%).

It is also worth noting the median age for the highest income earner was 55 among the 'White - British' group, compared to 39 among 'Asian or Asian - British'; 38 for 'White - Other'; and 36 for 'Mixed, Black, Black British or Other' ethnic groups. The poverty rate among older adults is lower, which may partly explain the lower poverty rate among the 'White - British' group. However, this age difference cannot explain the entire gap in poverty rates between ethnic groups.

Ethnicity is not a barrier to any child or young person to accessing free school meals. In addition, ethnicity plays no part in any eligibility criteria associated with free school meals. In terms of ethnicity, the impact of this policy is considered to be neutral.

#### Religion and belief

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<sup>2</sup> Note that there were too few LGB+ adults in poverty in the sample to produce a robust estimate of their population. Also, measurement uncertainty is quite wide for this group.



The Poverty and Inequality Statistics Report, covering the period 2020-23, noted, 61% of people who identified their religion as Muslim were living in relative poverty after housing costs: [Poverty and Income Inequality in Scotland 2020-23 \(data.gov.scot\)](#).

Those who identify their religion as Church of Scotland had a lower relative poverty rate after housing costs (16%) than found for all individuals. The relative poverty rate, after housing costs, for those identifying their religion as Roman Catholic was 17% and those identifying with no religion was 18%. The relative poverty rate, after housing costs, for those identifying with other Christian denominations was 21% and whilst the figure for those identifying with other religions was 31%.

Differences in the age profiles between the various religions should be noted. The median average age for those identifying as Muslim was 36, in comparison to 64 for those affiliated to the Church of Scotland. The average median age for those identifying with no religion was 42.

Whilst the poverty rate among older adults is lower, which may partly explain the lower poverty rate among those affiliated to the Church of Scotland, the age difference cannot explain the entire gap in poverty rates between different religious groups.

While information is collected on the number of pupils who learn within a denominational school in Scotland there is no information collected on the religion or belief of pupils in Scotland. However, religion or belief is not a barrier to a child or young person accessing free school meals provision nor does it form any part of eligibility criteria and therefore the impact of this policy is considered to be neutral.

Pregnancy and maternity, gender reassignment and marriage and civil partnership

There was limited information available in relation to the protected characteristic of pregnancy and maternity, gender reassignment and marriage and civil partnership.

None of these characteristics are a barrier to a child or young person accessing free school meals or are they an eligibility criteria to access free school meal entitlement. Consequently, the impact of this policy approach on these characteristics is considered neutral.

## **Recommendations and Conclusion**

The Equality Impact Assessment has supported understanding of issues that impact pupils, parents and carers with protected characteristics and has helped to ensure that these matters are reflected within the policy approach.

While considering protected characteristics within this policy change it was clear that they do not create additional barriers to children and young people accessing free school meals. In addition, none of these characteristics impact eligibility criteria and

there are no plans to further change these criteria for free school meals. Therefore the policy is considered to be neutral overall in relation to protected characteristics. The decision not to proceed with universal provision at this time is due to the current fiscal position, it should be noted that Ministers have made it clear that as possible. Meantime, the assessment of the equality impact has concluded that though a universal approach may extend provision to all children in primaries 6 and 7 it may not deliver the intended policy aims of eradicating child poverty and therefore a focussing on the delivery of SCP support would be more beneficial in order to achieve these policy aims within the current fiscal context.

The Scottish Government will also continue to support universal provision that has already been created from primaries 1 to 5 and provision on the basis of eligibility criteria for children and young people in primary 6 to secondary 6, therefore ensuring children in these circumstances continue to benefit.

However, the positive impacts that would have come from free school meals will not materialise for those in primaries 6 and 7 at this time. It is worth being aware that ministers have been clear in their commitment to universal free school meals and should funding be identified that work to deliver universal provision in primaries 6 and 7 would begin immediately.

The Scottish Government will now continue to work with COSLA and Local Authorities towards delivery of free school meals to those in receipt of SCP in primaries 6 and 7 during 2025.



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