

Local Authority Directors of Education
Local Authority Directors of Finance

23 June 2022

Dear Colleagues

I am writing to confirm the updated eligibility criteria for free school meals in the 2022-23 academic year, following parliamentary consideration of The Education (Scotland) Act 1980 (Modification) Regulations 2022.

As you will be aware, all pupils in primaries 1 to 5 and special schools will be offered free school meals during term-time in the forthcoming school year. Pupils above primary 5 will be eligible for free school meals in the forthcoming year, from 1 August, if their parents or guardians are in receipt of any of the following benefits:

- Income Support
- Income-based Job Seeker's Allowance
- Any income related element of Employment and Support Allowance
- Child Tax Credit, but not Working Tax Credit, with an income of less than £17,005
- Both Child Tax Credit and Working Tax Credit with an income of up to £7,920
- Support under Part VI of the Immigration and Asylum Act 1999
- Universal Credit with a monthly earned income of not more than £660

It has been necessary to raise the eligibility thresholds for people in receipt of both Child Tax Credit and Working Tax Credit, and Universal Credit, to account for the rise in the National Living Wage which was introduced in April 2022. The rise in the eligibility thresholds will ensure that existing recipients of free school meals under these eligibility criteria will continue to be eligible in 2022-23. Furthermore, an increase to the eligibility threshold for people in receipt of Child Tax Credit only has been brought about by changes made through The Tax Credits, Child Benefit and Guardian's Allowance Up-rating Regulations 2022.

Pupils who receive any of these benefits in their own right will also be eligible to receive free school meals. Local authorities also have the discretion to offer free school meals to families who are experiencing financial hardship in exceptional circumstances. Whilst examples of

“exceptional circumstances” are not defined in legislation, they have previously included instances where families have no recourse to public funds, normally due to their immigration status, or where a family is awaiting their first monthly Universal Credit award notice.

A copy of the Regulation is available from [The Education \(Scotland\) Act 1980 \(Modification\) Regulations 2022 \(legislation.gov.uk\)](#).

You will be aware that the next phase of provision of universal free school lunches to primary 6 and 7 pupils was originally intended to begin from August 2022. This letter also confirms that we intend to work with education authorities and partners over the coming academic year to plan for this future expansion during the Parliamentary term. This decision has been taken in light of feedback from local authorities that it would not have been possible for all schools to increase the capacity of their kitchen and dining facilities to accommodate the anticipated increased levels of uptake within the original proposed timescale.

Finally, on 24 February 2022, my colleague Laura Meikle wrote to you to inform you of the additional funding allocations you would receive to provide universal free school lunches for children in primaries 4 and 5 and special schools.

I would be most grateful if you could ensure a copy of this letter is passed on to any persons responsible for administering free school meals in your local authority. Please email douglas.forrester@gov.scot if you have any questions or comments about this letter.

Yours sincerely



ALISON TAYLOR
Deputy Director
Improvement, Attainment and Wellbeing Division
Directorate for Learning
Scottish Government