

1. Legislative and Policy Context

- Education Act 1996 (Section 512ZB) – Sets out duties to provide free meals to eligible children in maintained schools.
- Children and Families Act 2014 (Section 61) – Provides for EOTAS arrangements for pupils whose needs cannot be met in school.
- DfE Guidance (March 2024):

“Local authorities should consider equivalent provision for children eligible for FSM and receiving EOTAS if they are not on a school roll.”

2. Eligibility Criteria

Pupils will be eligible for FSM equivalent provision if they meet the following:

- Are of statutory school age (5–16).
- Are resident in the local authority area.
- Are not on the roll of a maintained school, academy, pupil referral unit (PRU), or Electively Home Educated.
- Are receiving EOTAS as specified in an Education, Health and Care Plan (EHCP) under Section 61, or not on roll at a school with the agreement of the Local Authority.
- Meet benefits-related FSM criteria, including one or more of the following:
 - Income Support
 - Income-based Jobseeker's Allowance
 - Universal Credit with net earnings below £7,400/year
 - Child Tax Credit (without Working Tax Credit)
 - Other qualifying benefits as defined in national FSM regulations.

3. Provision Format

Eligible pupils receive:

- Supermarket vouchers equivalent to the daily school meal rate (£3), OR
- Bank transfer of an equivalent cash value, only where agreed on a case-by-case basis.

Provision is made in advance, during term time only, paid in line with the days of the school calendar.

4. Application Process

A) Council Officers from the SEND team, with knowledge of the cohort, will identify relevant cases and prepare these for processing through our support teams.

B) Parents/carers or caseworkers are able to apply through the local authority via the application form displayed on the local offer website.

To be eligible the council will need to confirm:

- Evidence of FSM eligibility (e.g. Universal Credit statement).
- A copy of the EHCP and confirmation of Section 61 EOTAS placement.
- Proof of local residency.

5. Monitoring and Review

- FSM provision for EOTAS pupils will be reviewed termly by the SEND and Inclusion Team.
- Annual reviews will ensure alignment with national FSM rates and guidance.

- Families are also expected to notify the LA of any changes in eligibility or provision status.

6. Discretionary Exceptions

The Council operates an exceptional scheme relevant to the cost-of-living crisis. This process is maintained through the Camden Cost of Living Crisis support details of which can be found [here](#).