



Executive
24 March 2014

**Report from the Director of
Regeneration and Growth**

Wards affected:
ALL

**Universal Infant Free School Meals – Allocation and Use of
Capital Grant Funding**

1.0 Summary

- 1.1 On 23 January 2014, the Minister of State for Schools outlined the basis of how Local Authorities and Head-Teachers were to be supported in enabling schools to comply with government requirements in offering universal free school meals (FSM) to all children in Key Stage 1 from September 2014 and announced that £150million capital funding would be available to Local Authorities, Dioceses and Trustees of Voluntary Aided schools to support schools in providing FSM.
- 1.2 In order to enable schools to meet the minimum requirements by September 2014, this report seeks Executive approval for the development of a costed programme of works to schools to enable the delivery of Universal Infant Free School Meals (UIFSM). The report also requests Delegated Authority to agree the pre-tender considerations and the award of a work contract or contracts to deliver prioritised schemes arising from the programme of works.

2.0 Recommendations

For the Executive to:

- 2.1 Note that the Operational Director for Regeneration & Growth (Property and Projects) will develop a costed programme of works at schools as described in the report for the delivery of Universal Infants Free School Meals for agreement by the officer-level Major Projects Review Panel.
- 2.2 Approve the use of capital from the sources described in this report to deliver the programme of works once agreed.
- 2.3 To delegate authority to the Strategic Director of Regeneration & Growth to agree the pre-tender considerations (including evaluation criteria) for the

procurement of a works contractor or contractors for the delivery of the programme, and for the procurement of design services if not delivered in-house.

- 2.4 To delegate authority to the Strategic Director of Regeneration & Growth in consultation with the Chief Finance Officer to award the contract(s) referred to in paragraph 2.2

3.0 Detail

- 3.1 A Government led pilot project, held between 2009-2011, culminated in the Universal Infant Free School Meals (UIFSM) initiative for all Reception and Key Stage 1 (KS1) pupils (i.e. all pupils in Reception, Year 1 and Year 2) in state-funded schools. The Government's intention is to legislate over the next few months for infant and primary schools to offer free meals, not necessarily hot meals, within these Year Groups by September 2014. The Minister for Schools has stated that the legislation will include an option to extend the policy to additional year groups in future years.
- 3.2 In a letter, dated 23 January 2014, the Minister of State for Schools outlined the basis of how Local Authorities and Head teachers were to be supported in enabling schools to comply with their statutory requirements in offering free school meals (FSM) for 2014-15 and identified that £150million capital funding would be available to Local Authorities, Dioceses and Trustees of Voluntary Aided schools to support schools in providing FSM. The letters sent to both Local Authorities and school Headteachers are attached at Appendix 1.
- 3.3 In the letter the Minister has expressed a view that, whilst acknowledging that UIFSM funding is not ring-fenced, Local Authorities are encouraged to prioritise capital expenditure according to need to ensure that schools are supported in the provision of free school meals to pupils and should consider creative approaches in enabling schools to meet an increase in demand for free school meals. The announcement includes notification of the intention to amend the Children and Families Bill currently before Parliament to place a legal duty on primary schools to deliver this commitment.
- 3.4 Brent's UIFSM funding allocation 2014-15 is £832,725, of which £242,434 is in respect of the Voluntary Aided (VA) schools' allocation. The EFA has directed that the VA element of UIFSM may be added to 2014-15 LCVAP funding or vice versa and, as such, must follow the same rules for expenditure in that monies must be committed and spent by March 2015, otherwise it will be retained by central government. The VA schools are required to contribute 10% towards project costs increasing the funding available in this sector to £269,371.
- 3.5 There is scope for Brent to work with the VA schools sector on a strategic basis to utilise UIFSM funding. For example, Brent might wish to co-ordinate the VA UIFSM funding and possibly also the LCVAP allocation and allocate according to need, rather than on pupil numbers per faith sector which is the current allocation process agreed with the VA Schools Sector within Brent. This is an option that is being discussed with the VA sector, having been strongly supported by the Schools Forum and following consultation with the

EFA and other similar Authorities. This may be therefore presented as an option in the proposed programme of works, once an audit of schools is completed.

- 3.6 The Council's strategy for the proposed programme of works is to deliver it in consultation with schools, based on clear data. To facilitate compilation of the programme of works, an audit is being carried out of infant and primary schools' kitchens, to include equipment, chattels and dining facilities. It should be noted that some schools do not have a proper kitchen and receive meals prepared and cooked elsewhere for reheating and serving on their own premises. The meals may be cooked at other schools who act as "provider" schools, or from external sources.

In addition, levels of projected increased take-up of meals are being assessed taking into account the following considerations:

- The number of children that require meals (free or otherwise); how many are on the school roll
- Actual numbers of current take-up of school meals, and estimated future take-up assuming 100% take-up in KS1
- Numbers / proportions of pupils who may take up a free school meal for the first time, who may require a halal or kosher meal or any other requirement which may involve storing, preparing or cooking food separately, and the impact of this on space requirements
- Kitchen size, heavy equipment and chattels installed are suitable for the numbers of children required, particularly where an opportunity for increased pupil numbers exist; checking ownership of such equipment, with a view to replacing only major items where required
- Strategic opportunities of future-proofing schools which are well placed to respond to future and/or further increase in take-up of meals
- Physical expansion of kitchens either by extension or conversion, prioritising school meal 'providers'
- Improvements to existing kitchen areas
- Improvement to dining facilities/furniture, where additional children's take-up of meals cannot be accommodated in existing layout, or where excessive queuing exists
- Improvements to wash-up and server areas, particularly in 'non-provider', or, 'receiver' schools and improvements to dry and cold storage
- Deliverability of the project at individual schools, given timescales within which to spend the funding at VA schools, in particular
- Potential for proposed works to be completed in context with Capital AMP works, thereby enhancing funding streams
- Consider prioritising schools that are able to match-fund and that are 'provider' schools, again, enhancing funding streams
- Assessment of the status of existing school contract caterers to ensure no conflicting interests prevail, that potential funding enhances meal provision, and whether their contracts with schools need to be varied to reflect the increased numbers

- 3.7 Due to the sum of funding involved and given the deadline within which schools must comply with the anticipated legislation (September 2014), delegated authority is sought from the Executive to agree both the pre-tender considerations and the award of contracts to enable delivery of a required programme of works within the timescale. Pre-tender considerations are defined in Contract Standing Orders and include deciding what works etc. are being procured, how this will be packaged (one contract or many), the procurement process and the evaluation criteria. The procurement strategy is likely to involve use of a process of obtaining written quotations for the works contracts and construction consultancy if required with the use of a framework for associated equipment.
- 3.8 A mechanism will be found, without slowing the process, for representatives of VA schools, including the Dioceses of the CofE and RC schools and Trustees of the Jewish and Muslim schools to be involved in the process of prioritising projects within the proposed programme of works to assist decision making and give transparency.

4.0 Financial Implications

- 4.1 The Minister of State for Schools has made available to all Local Authorities, £150 million capital funding in 2014-15 to support schools in providing free school meals to all children in Key Stage 1. Brent's allocation of UIFSM funding is £832,725 (£590,291 for community schools and £242,434 for VA sector schools).
- 4.2 The UIFSM capital funding is not ring-fenced and as such, may be used in any order of given priorities as considered appropriate by Executive Members. However, the provision of free School Meals (FSM) is to become, by September 2014, a legislative requirement at primary schools.
- 4.3 The VA element of UIFSM capital funding must be committed and spent by March 2015. The VA schools are required to contribute 10% towards project costs increasing the funding available in this sector to £269,371.
- 4.4 The cost of capital works involved to support the schools legislative requirements cannot yet be ascertained, as the audit of schools, which is to inform the programme of works is not yet completed. As such, procurement of works cannot commence and costs are therefore currently unknown.
- 4.5 If following completion of the programme of works there is a shortfall in the level of UIFSM funding available to bring primary schools up to minimum standards a report will be submitted to the Executive outlining options available. Conversely if there is an under-spend of this non ring-fenced funding this will be made available to the Executive to support the Council's overall Capital Programme.
- 4.6 The other aspects of the implementation of universal FSM, namely the revenue funding arrangements and ensuring that children who should qualify for pupil premium still do so are all in hand across Children and Families, Finance and Customer Services. In addition the Procurement Team has been

working with the contractors who are on the council's framework for school meals to ensure that the changes proceed as smoothly as possible.

5.0 Legal Implications

- 5.1 The announcements on 23 January 2014, from the Minister of State for Schools to Local Authorities and Head teachers, indicate that the government intends to amend the Children and Families Bill to place a legal duty on primary schools to offer free meals to KS1 pupils from September 2014; the Bill is currently before Parliament and at a late stage in its progress through the different parliamentary stages. However the proposed amendment has not been introduced yet, so until this happens and it becomes law, it is not clear exactly what scope of legal duty will be placed on schools, or whether there will be a related duty on local authorities to support maintained schools in this provision.
- 5.2 Works arising from the proposed programme of works will assist schools in being able to meet the minimum requirement and so discharge the anticipated legal duty. However there is also a risk that the costs of the works identified in the proposed programme of works will exceed the capital available, which will leave some schools at risk of not being able to meet their legal duty (and also the Council if it is also placed under a duty). As indicated in the Financial Implications, at that point a further report would be presented to the Executive.
- 5.3 In accordance with the Council's Standing Orders and Financial Regulations, the Executive is required to authorise and approve all High Value contract. Works contracts with a value in excess of £500,000.00 and design services with a value above £250,000 are High Value contracts. At the time of writing this report, the programme of works is not formed and so the process for procurement of the Works or associated services cannot be commenced, although it is envisaged that works contracts will exceed £500,000.00 in value because of the capital sum available. Due to the timeline in which to enable schools to meet minimum requirements, it is recommended that the Executive delegate authority to the Strategic Director of Regeneration & Growth to approve both the pre-tender considerations and the award of contracts for the required procurements. Legal and Procurement advice will be taken to ensure that the contracts are procured to comply with the requirements of the EU public procurement rules and the Council's own Contract Standing Orders.

6.0 Diversity Implications

- 6.1 An Equalities Impact Assessment is attached at Appendix 2, and officers consider that there are positive implications, as detailed in the Equality Analysis.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 Not appropriate in this report

Background Papers

Minister of State for Schools – Letters to All Local Authorities & Head teachers
School Food Plan
Government Announcement: Capital Allocations

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