

Written evidence submitted by Hackney Migrant Centre

The impact of COVID-19 on education and children's services

26 May 2020

Submission from Hackney Migrant Centre responding to the following question:

'The effect on disadvantaged groups, including the Department's approach to free school meals and the long-term impact on the most vulnerable groups (such as pupils with special educational needs and disabilities and children in need)'

Introduction

Hackney Migrant Centre is a small charity that offers advice and advocacy on immigration, housing and welfare issues to people who have migrated to the UK. We run a weekly drop-in session with professional advisers and offer follow up case work. We have restructured our service during the pandemic to provide support over the phone.

Hackney Migrant Centre has been advocating for free school meals on behalf of families living in poverty with no recourse to public funds since 2016. This work is done alongside other forms of support including immigration and/or housing advice to try to improve the situation of families.

The no recourse to public funds condition¹ applies to people 'subject to immigration control' and denies access to most welfare benefits as well as to council and housing association accommodation. People with a variety of immigration statuses² (e.g. limited leave to remain under family or private life rules, spousal visa, student visa) are affected, as well as people who do not have documentation that allows them to remain in the UK. By denying access to the safety net of welfare support, no recourse to public funds places people at risk of the most extreme poverty in society³. This is particularly true for families who face higher living expenses whilst their ability to work is often limited by the unaffordable cost of childcare. Before the Covid-19 pandemic, all children from families with no recourse to public funds were excluded from free school meals.

On 20 April 2020, the Department for Education released guidance around how free school meals will be temporarily extended to some families with no recourse to public funds whilst schools are closed⁴. From our experience, this extension was far too limited and was ineffectively carried out as our submission outlines.

¹ <http://www.nrpfnetwork.org.uk/information/Pages/public-funds.aspx>

² <http://www.nrpfnetwork.org.uk/information/Pages/who-has-NRPF.aspx>

³ <https://hackneymigrantcentre.org.uk/wp-content/uploads/2020/04/Children-with-NRPF-The-need-for-FSM.pdf>

⁴ <https://www.gov.uk/government/publications/covid-19-free-school-meals-guidance/guidance-for-the-temporary-extension-of-free-school-meals-eligibility-to-nrpf->

Summary of submission

Numbers

This submission records the circumstances of 27 children whose families Hackney Migrant Centre has contacted or worked with around access to free school meals support since schools closed. They attended primary and secondary schools across 9 local authorities in London.

Hackney Migrant Centre (HMC) has advocated for 13 children from families with no recourse to public funds (NRPF) who have become eligible for free school meals since the temporary extension. Only 2 of these children were from a family who was aware of the extension before speaking to HMC, but their parent had heard about it through the news and not from their school. All the other families that HMC advocated for did not know they were eligible for this support before we spoke to them.

HMC also spoke to the families of 4 children who became eligible for free school meals due to the extension and who were already receiving this support without needing our advocacy. HMC had previously advocated for free school meals on behalf of these families before the lockdown.

We advocated for 8 children from families with NRPF who were still excluded by the extension despite the hardship that their families were experiencing. Schools provided food provision whether that was food parcels or vouchers on an ongoing basis for 7 of these children from their own budgets.

HMC spoke to the families of 2 children whose schools are providing food provision from their own budgets without us needing to advocate for support even though the children are still excluded by the eligibility criteria. HMC had advocated on behalf of both families for free school meals before the lockdown.

In our full submission of evidence, we have included the circumstances of all the families that we have advocated for with their permission. We have changed all names to respect their privacy.

Analysis

Our advocacy has evidenced the following issues with the extension:

- Undocumented children whose families are not receiving section 4 or section 17 support continue to be excluded from free school meals

- Families with a range of visas remain excluded from free school meals regardless of their income
- In practise, the newly eligible families with NRPF must have an income that is considerably less than what family with universal credit can have to access free school meals
- Without knowledge of the UK's complex immigration system, the immigration status of all families and their exact financial situation it is incredibly hard for schools to identify families who have become eligible for support
- Families were not aware of the extension
- The limited reach of the extension places an unfair financial burden on schools
- The families that the extension has reached will lose the support of free school meals once schools reopen despite continuing to live in poverty
- Families that the extension has not reached need support now and will need it after the pandemic
- The free school meals system does not effectively identify children in need and safeguard them from hunger

Hackney Migrant Centre is a small charity, with limited capacity. We support a lot of single people as well as families. Although we can only help a very small proportion of people who need support, our work provides an insight into how children living in poverty continue to be overlooked by the free school meals system because of their or their parents' immigration status.

Full submission of evidence

Since schools have closed due to the Covid-19 pandemic, Hackney Migrant Centre has continued to advocate for free school meals support, whether that be food parcels or vouchers, for families living in poverty with no recourse to public funds. We have assisted families to apply for the free school meals support that they have become entitled to under the temporary extension⁵. We have also advocated for families that remain excluded from free school meals despite the extension. This submission of evidence is based solely on the advocacy that we have carried out since the closure of schools.

The Department for Education's temporary extension allows some families with no recourse to public funds to receive free school meals if they fall into one of the following groups and they earn less than £7,400 per year:

- Children of families with no recourse to public funds with a right to remain in the UK on grounds of private and family life under Article 8 of the European Convention on Human Rights

⁵ <https://www.gov.uk/government/publications/covid-19-free-school-meals-guidance/guidance-for-the-temporary-extension-of-free-school-meals-eligibility-to-nrpf-groups>

- Children of families receiving support under Section 17 of the Children Act 1989 who are also subject to a no recourse to public funds restriction
- Zambrano carers - A Zambrano carer is the primary carer of a British citizen child or dependent adult, where requiring the primary carer to leave the UK would force that British citizen to leave the European Economic Area (EEA)

In addition, free school meals have also been temporarily extended to children of failed asylum seekers who are supported under Section 4 of the Immigration and Asylum Act 1999. Families in this group automatically qualify for free school meals and do not need to have their income assessed.

The Department for Education's temporary extension of free school meals to some families with no recourse to public funds has not reached all low-income families affected by this restriction. If the extension had been adequate and effective our advocacy would not have been needed.

Since schools closed, Hackney Migrant Centre (HMC) has advocated for 21 children from families with no recourse to public funds (NRPF). 13 children had become temporarily eligible for free school meals under the extension, and 8 children remain excluded from this support.

We have shared the experiences of the families that we have advocated for with their permission. We have also summarised what their experiences suggest is happening on a wider scale. We have noted how many families with NRPF told us that they did not need free school meals advocacy and why. We have changed all names to respect the privacy of the families that we worked with.

Children newly eligible for free school meals

Children of families with no recourse to public funds with a right to remain in the UK on grounds of private and family life under Article 8 of the European Convention on Human Rights

We advocated for 8 children from 4 families under this group.

- Simon's family were sofa surfing with a relative when they contacted HMC. He and his partner were sleeping in a hallway and their children shared a bedroom. The family were in significant debt due to the cost of making immigration applications. Simon had been granted leave to remain in Jan 2020 and had secured a zero-hour contract job in April. His first pay check was for £820 in May and Simon expected the same amount in June. Despite the family's low income, Simon would have been earning too much for his children to receive free school meals if he had been working for over a year with this level of income.

- Lola's family of 4 were living in 1 bedroom in a house with 16 other people who all shared 1 bathroom and 1 kitchen when she contacted HMC. Lola's income was £350 every 2 weeks and her family could not afford their rent which was £300 a month. With an income of around £700 a month Lola's children would not have been eligible for free school meals if Lola had been working at this rate for the past year. Because Lola had only been in employment since Feb 2020 the family were fortunately eligible for support.
- Teresa got in touch with HMC in late April after hearing through the news that her children may be eligible for free school meals. Teresa has a child in primary school and a child in secondary school.

Teresa was working as a cleaner and earning just over £700 a month before the pandemic. Because she was placed on the furlough scheme her income had dropped below the £616 a month earnings threshold which meant that her children were eligible for free school meals under the temporary extension.

Both schools arranged vouchers for the children but hadn't heard about the extension before HMC had contacted them.

- Hackney Migrant Centre advocated for free school meals on behalf of one of Sahar's children before the lockdown in Jan 2020 due to the family's low income and the fact that Sahar and her partner was skipping meals so that their children could eat. Unfortunately, our request was refused by the school.

Sahar and her partner have 2 school-aged children that attend the same primary school. Before the lockdown one of these children was receiving universal infant free school meals. When the school closed the family received no vouchers or food parcels even for the child who was previously getting universal infant free school meals.

The family's income was irregular and very low at up to £200 per week. They had earned less than £7,400 in the past year and were eligible for free school meals under the extension. HMC sent applications for free school meals and the school quickly arranged vouchers for both children.

All of these families had low incomes before the pandemic and they are likely to need free school meals when schools reopen. However, when the extension ends they will all lose this support.

The earnings threshold for free school meals of £7,400 per year (equivalent to £616 per month) is not enough for 1 person to meet their essential needs let alone a family.

Although the earnings threshold is the same for eligible families with NRPF as it is for families that receive universal credit, in practise the income that these 2 groups receive is vastly different. Families eligible for free school meals that receive universal credit have their earnings topped up by this benefit leading to a total income of around £18-24K⁶ per

year. However, families with NRPF cannot have their earnings topped up in any significant way. This means that the newly eligible groups with NRPF must have an income that is less than half the amount that families receiving universal credit get in order to be eligible for free school meals.

Children of families receiving support under Section 17 of the Children Act 1989 who are also subject to a no recourse to public funds restriction

We advocated for 2 children under this group.

- Funmi's child's school was previously providing free school meals from their own budget after advocacy from HMC. However, when school closed due to the pandemic this support stopped.

Funmi received a letter from her local authority that said that her child is ineligible for free school meals or support with school uniforms. HMC responded to confirm that the family receive section 17 support provided by the same local authority and that they are eligible for free school meals. Vouchers were sent to the family soon after.

This made a huge difference to Funmi and her child's safety as it allowed her to buy in bulk instead of having to make frequent trips to the supermarket with the little money that she had.

- Mary contacted Hackney Migrant Centre in mid-May specifically for help with free school meals. The school had been really supportive and had provided free school meals from their own budget before lockdown, however this support stopped when school closed.

Mary and her child were receiving section 17 support from their local authority but were struggling to make ends meet on their subsistence payments of £77 per week which was their only income.

Hackney Migrant Centre contacted Mary's social worker to make them aware that her child was eligible for free school meals and to ask them to provide evidence for us to submit with Mary's application. It seemed that the family's social worker was not aware of the extension to the free school meals eligibility criteria.

Both cases show that schools have been stepping in to pay for free school meals for families with NRPF from their own budgets before the lockdown. It also suggests that the schools may have been unaware that the families were eligible for government funded free school meals support due to the extension.

⁶ <https://www.tes.com/news/government-sets-ps7400-annual-income-threshold-free-school-meals>

Local authorities receive no extra government funding to provide section 17 support to families with NRPF and this has led to high levels of gatekeeping, inadequate accommodation being provided and low levels of financial support being offered⁷. It is important to note that £77 per week subsistence payments for 2 people is amongst the higher rates of support that local authorities provide in HMC's experience and it was still not enough. Access to free school meals made a significant difference to both families. The subsistence support that they receive is unlikely to change after the pandemic and yet their children will no longer be entitled to free school meals when schools reopen.

Children of Zambrano carers

We advocated for 1 child under this group.

- Hannah's child's school had previously been providing free school meals from their own budget but when school closed this support stopped.

When Hannah contacted HMC, she and her child were sleeping on chairs in a friend's living room and had been asked to leave because the accommodation was overcrowded. The friend who had been hosting the family was helping them with food and small amounts of financial support but they would lose this when they left. Members of their church also occasionally gave them £10 or £20, but because their church had closed due to the pandemic they had also lost this support. Hannah and her child had nowhere to go. Hannah was eligible to make an immigration application but could not afford the fees. Hannah's child is British which is why they temporarily become eligible for free school meals.

When a family is not receiving support from their local authority or an organisation such as HMC it is hard for them to know their rights. There are many parents of British children who do not know that they are officially Zambrano carers. For the school to have known that Hannah's child was eligible for free school meals they would have needed to know the immigration status of both parent and child and their exact income. As a result, many families in Hannah's situation are likely to be missing out on free school meals support that they are entitled to under the extension.

Children of failed asylum seekers who are supported under Section 4 of the Immigration and Asylum Act 1999.

We advocated for 2 children from one family under this group.

- Ade has 2 teenage children and had been unsuccessfully asking her children's school for help to access food since it closed. When HMC spoke to Ade in April she did not know that the family had become entitled to free school meals. She had not been contacted by the Home Office to tell her this nor her children's school.

⁷ <https://www.project17.org.uk/media/70571/Not-seen-not-heard-1-.pdf>

Ade was incredibly distressed as both children were trying to do their homework on her phone as they could not afford a device. The family had no access to wifi and Ade was spending £25 a week on data. This was still not enough data to meet the children's needs and they had to ration their time on the internet. Feeding the children was incredibly difficult and would have been impossible without the help of their community centre that was sending the family food parcels.

After HMC's advocacy the school sent vouchers to the family straight away and registered them with Edenred.

By 25 May Ade still had not been contacted by the Home Office to make her aware that her family is eligible for free school meals support.

When Ade's children return to school the family will no longer have such high data costs but it will still be very difficult to meet their essential needs as travel, clothing and school meals will have to be covered again.

Under the temporary extension, families receiving section 4 support from the Home Office are not subject to an earnings threshold to access free school meals. Section 4 rates are just over £5 per person per day⁸. Families like Ade's were living in poverty before the pandemic and will continue to struggle after it.

Families that didn't need advocacy

Hackney Migrant Centre spoke to the parents of 4 children from families with NRPF who had become eligible for free school meals and whose school or local authority had already arranged this support for them. HMC had advocated for free school meals on behalf of all of these families before schools closed.

Children who are still excluded from free school meals

Undocumented children

We advocated for 6 children from 3 families in this situation

- Amare and her child were facing eviction and were dependant on food banks when they contacted HMC. Before the lockdown Amare's child received universal infant free school meals but after school closed they did not receive any help with food.

The school had just switched from food parcels to the voucher system when we contacted them. They said that they could not afford to provide vouchers for

⁸ <https://www.gov.uk/asylum-support/what-youll-get>

Amare's child. Instead they gave the family all the food that they had left from the food parcels as one-off support. This was a huge help to the family.

- Ibrahim was sofa surfing with 2 of his children. He contacted HMC during the pandemic because his family was being evicted. The family had made an application for leave to remain but remained undocumented whilst they waited for its outcome. The support network that had previously helped them with money and food were no longer able to support the family, and they were frequently skipping dinner or just having toast and butter.

HMC had already advocated for free school meals for Ibrahim's family successfully in January 2020, but when their school closed the children stopped receiving support. HMC advocated to the school again in April and the school sent vouchers and food parcels from their own budget.

- Ikenna's family of 5 had been relying on informal income support from their friends and church members to meet their needs whilst they awaited the outcome of one of their child's British citizenship application. Before the pandemic the family became homeless but with the help of their church were moved into their current rented 1 bedroom accommodation.

After the widespread outbreak of Covid-19, Ikenna's family lost all of their financial support and had been unable to pay their rent. They were frequently skipping meals. Ikenna's children's school provided free school meals support from their own budget after HMC's advocacy.

Even after the extension, most school-aged undocumented children continue to be excluded from free school meals regardless of their level of poverty. Undocumented children cannot access free school meals unless their families receive section 17 or section 4 support.

- An estimated 5,900 children from families with NRPF received section 17 support between 2012 -2013⁹, this number includes families with NRPF on their visa as well as undocumented families
- Only 3,804 people were receiving Section 4 support in Dec 2019¹⁰
- A report published by the GLA¹¹ in January 2020 estimated that there are 215,000 undocumented children living in the UK.

These statistics show how few undocumented children the extension is likely to reach.

⁹ https://www.sustainweb.org/publications/free_school_meals_immigration_policy/

¹⁰ <https://www.gov.uk/government/statistical-data-sets/asylum-and-resettlement-datasets#asylum-support>

¹¹ <https://www.london.gov.uk/what-we-do/communities/migrants-and-refugees/londons-children-and-young-people-who-are-not-british-citizens>

From Hackney Migrant Centre's experience, most families will eventually resolve their immigration issues, but it can sometimes take years due to the UK's expensive and complicated immigration system. During this time, the hostile environment takes an incredible toll on the health and wellbeing of children growing up in the UK.

Most undocumented children are cared for by parents who do not have the right to work and cannot access welfare support. Extending free school meals to undocumented families is essential to protect children vulnerable to the most extreme poverty in society, but it is important that this support is provided safely. The DfE routinely shares data with the Home Office for the purpose of immigration enforcement¹². Unless adequate safeguards are put in place, giving the DfE sensitive data so that children from undocumented families can access free school meals could cause significant harm.

Families with a different visa

We advocated for 1 child under this group

- Abi has a tier 4 student visa and her child has the same visa as her dependant. Abi is unable to work as she also has a baby to look after. She was receiving maternity allowance which stopped in March. The family were getting by on the support of members of their mosque as well as friends and family but since the pandemic this help stopped as their support network were struggling themselves. The family are ineligible for free school meals support and were skipping meals often. HMC advocated to Abi's child's school and they began to send food parcels.

Only families with the right to remain in the UK on grounds of private and family life under Article 8 of the European Convention on Human Rights will be eligible for free school meals if they earn below the £7,400 per year threshold. Families with all other visas continue to be excluded regardless of their level of income unless they are receiving section 17 support.

Families earning above the threshold

We advocated for 1 child in this situation

- Ayo and her partner have 3 children and their combined income is around £1,850 per month. The vast majority of their income is spent on their rent which is £1,550 per month leaving them very little to meet their essential living expenses. The family have a child in primary school and a child in secondary school.

The secondary school had been providing free school meals from its own budget after earlier advocacy from HMC. They continued to support the family by sending vouchers after the school closed as well.

¹² <https://www.libertyhumanrights.org.uk/issue/care-dont-share/>

The child in primary school benefited from free school meals before the pandemic as their school is in Newham which provides universal free school meals in all primary schools. However, when school closed this support stopped. After HMC contacted the primary school they immediately arranged a food parcel and vouchers from their own budget.

Ayo's experience clearly demonstrates how expensive it is to meet the basic needs of a family. The threshold has left many families with NRPF who are living in poverty without the essential support of free school meals. As previously stated, the threshold is in practise significantly lower for families with NRPF than it is for families receiving universal credit. This is clearly discriminatory.

Families that didn't need advocacy

HMC spoke to the parents of 2 children from undocumented families who were still excluded from free school meals but whose schools were sending food parcels or vouchers from their own budgets. They were both families that HMC had previously advocated on behalf of for free school meals.

Conclusion

NRPF is a condition that causes destitution^{13,14}. Excluding some people from the safety net of welfare support sends a strong message that they do not deserve the same protection from harm as everyone else. We cannot allow the same disregard to be shown to children through the free school meals system.

Free school meals must support all children living in poverty regardless of immigration status safely. Unfortunately, this is not even close to happening. In 2018, 15.4%¹⁵ of school children in England received free school meals, yet 30%¹⁶ of children in the UK were living in poverty and many of the worst affected areas were in England¹⁷. This gap represents hundreds of thousands of children of all immigration statuses missing out. The free school meals system needs to be radically reassessed. In the wake of a pandemic this need has become even more urgent.

For more information please contact:

¹³ <https://www.childrensociety.org.uk/what-we-do/resources-and-publications/a-lifeline-for-all>

¹⁴ <https://www.unity-project.org.uk/research>

¹⁵

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/812539/Schools_Pupils_and_their_Characteristics_2019_Main_Text.pdf

¹⁶ <https://cpag.org.uk/child-poverty/child-poverty-facts-and-figures>

¹⁷ <http://www.endchildpoverty.org.uk/wp-content/uploads/2019/05/child-poverty-indicators-2019-report-to-ecp-1.pdf>

Nadia Chalabi
Hackney Migrant Centre's School Meals Advocate

Hackney Migrant Centre
<https://hackneymigrantcentre.org.uk/>

May 2020