

Free School Meals (FSM), Equivalent Food Provision (EFP), and Children in receipt of Education Otherwise than at School (EOTAS).

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DOCUMENT CONTROL**Changes History**

Issue no.	Date	Amended by	Summary of changes
1.0	28.05.2024	Lucy Nicholas	Draft version updated to official version
1.1	16.09.2024	Lucy Nicholas	Accountable owner changed.
1.2	01.04.2026	Lucy Nicholas	Updated to include children under section 19 and change age criteria

Authorisation (Responsible Owner)

Role	Name	Approval date
Resource Manager	Lucy Nicholas	

Approval (Accountable Owner)

Role	Name	Approval date
Assistant Director – Education, Skills and Learning	Julia Grainger	

Reviewers (Consulted)

Role and review responsibilities	Name	Approval
Review	Admissions Management Team	
Review	Julia Grainger	
Review	Sharon Muldoon	

Distribution List – once authorized (informed)

Name	Organisation
All Staff - CYP	SCC Children and Young People's Service

Review Period

Date Policy to be reviewed	By whom
1 September 2026	Lucy Nicholas

Legislation

Section 512 of the Education Act 1996, as amended, places a duty on maintained schools, academies and free schools to provide free school meals (FSM) to disadvantaged pupils who are aged between 5 and 16 years old who meet the benefits-related criteria.

Guidance for Free School Meals (FSM)

In addition to the legislation, the Department for Education (DfE) issued non-statutory guidance on FSM “*Free school meals: guidance for schools and local authorities*”, which was first issued in March 2018 and updated in March 2024 to include guidance on children receiving education otherwise than at school (EOTAS) and reasonable adjustments for disabled children.

A pupil is only eligible to receive a free school meal when a claim for the meal has been made on their behalf and their eligibility, or protected status which is due to end at the end of August 2026, has been verified by the school where they are enrolled or by the local authority.

The updated guidance advises that:

Under section 61 of the Children and Families Act 2014, local authorities can arrange for ‘any special educational provision’ for children and young people otherwise than in school in circumstances where it would be ‘inappropriate’ for the provision to be made in school – referred to as ‘EOTAS’. These packages of support are put in place by local authorities, typically as part of a child’s Education, Health and Care plan (EHCP).

No specific provision is made in legislation for FSM to be provided to children who are in receipt of EOTAS. Whilst it is not a statutory requirement, the DfE expects local authorities to consider making equivalent food provision (EFP) for children with an EHCP, receiving EOTAS under section 61 of the Children and Families Act 2014 and have no provision named in Section I of their final EHCP and meet the following criteria:

- the child would meet the benefits-related criteria for FSM if they were in a state-funded school (for more information see pages 5-8 of the guidance [here](#)); and
- the meals would be provided in conjunction with education and would, in line with the aim of FSM provision, be for the purpose of enabling the child to benefit fully from the education being provided.

Once this consideration has been made, the DfE advises that local authorities should then assess the individual circumstances of the child to decide whether and how such provision can be made. In considering the approach to making food

provision for relevant children, and in making decisions on particular cases, local authorities should act in accordance with the Human Rights Act and the European Convention on Human Rights and comply with the public sector equality duties.

Equivalent Food Provision (EFP)

The FSM non-statutory guidance is clear that the law has not changed, and that FSM are only available for eligible children who are registered and attending a school. Therefore, to differentiate from FSM, it instead uses the description of “equivalent food provision” (EFP) for children receiving EOTAS under section 19 and 61 of the Children and Families Act 2014.

Suffolk County Council (SCC) will provide, upon parental request, EFP in the form of a supermarket voucher to children between 5 and 18 years of age who meet all of the following criteria:

- the child would meet the benefits-related criteria for free school meals if they were on roll at a school; and
- have a finalised EHCP; and
- are receiving EOTAS under section 19 or section 61 of the Children and Families Act 2014 and has no provision named in Section I of their EHCP (s61) or has specialist named as type in Section I but no placement (s19).

The EFP (in the form of a supermarket voucher) will be:

- provided in advance of each half term as per SCC’s published term dates for maintained schools. [School term and holiday dates - Suffolk County Council](#);
- for the value of £3 per day per child and where no meal is provided at an alternative provision;
- for term time only (equal to 190 days per school year);
- administratively reviewed each half term by SCC to confirm EOTAS status;
- protected until the roll out of Universal Credit (currently until end of August 2026);
- assessed annually during the summer holidays to determine eligibility for FSM and future provision of vouchers.

Please note: there is no cash equivalent available.

Funding

The DfE guidance states that local authorities may draw upon the Dedicated Schools Grant (DSG) in order to fund such food provision.

SCC will fund the EFP from the High Needs Funding (HNF) as this supports provision for children and young people with SEND from early years to 25 years old.

All eligible requests for EFP will be provided from the date of enquiry following confirmation that a child's EHCP is finalised, and they are eligible for FSM.

There is no statutory duty for SCC to provide EFP and the payments are discretionary in line with the DfE non statutory guidance.

How to apply for EFP

If a parent/carer believes that a child meets the eligibility criteria for EFP, they should email efp.eotas@suffolk.gov.uk

Complaints

Any parent/carer who wishes to challenge a decision made by CYP not to provide EFP, will be directed to the SCC complaints process via the customer rights team.

Email customerrights@suffolk.gov.uk or call **0345 266 1821**.

Address: Suffolk County Council Complaints Team, Endeavour House, 8 Russell Road, Ipswich, IP1 2BX

Sources of further information

[Free school meals \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

[Universal infant free school meals \(UIFSM\): 2025 to 2026 - GOV.UK](#)

[Universal-infant-free-school-meals.pdf](#)

[Free meals in further education funded institutions guide: academic year 2025 to 2026 - GOV.UK](#)