

EDUCATION (HOLIDAY MEAL PAYMENTS) BILL

EXPLANATORY AND FINANCIAL MEMORANDUM

INTRODUCTION

1. This Explanatory and Financial memorandum has been prepared by Danny Baker MLA (the Bill Sponsor) to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.
2. The Memorandum needs to be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill. So, where a clause or part of a clause does not seem to require an explanation or comment, none is given.

BACKGROUND AND POLICY OBJECTIVES

3. The Bill aims to address the serious issue of ‘holiday hunger’ by seeking to secure provision of permanent financial support through direct payments, in lieu of Free School Meals (FSMs), during school holiday periods for those who are entitled. Such a scheme would ensure that children who are entitled to free school meals will receive support to alleviate food poverty during school holiday periods.
4. The Department of Education (the Department) is responsible for formulating and developing policy. It is also responsible for putting the necessary financial arrangements in place. The day-to-day operation of the school meals service is a matter for the Education Authority (the Authority) in the controlled and maintained sectors, as well as for individual voluntary grammar schools and grant-maintained integrated schools.
5. In July 2020, additional ring-fenced funding was provided to enable the Department to pay School Holiday Food Grants (SHFG) on behalf of the Executive, as part of wider efforts to tackle holiday hunger and food poverty. In April 2023, as a result of budget cuts, this additional funding ended, and the food grants stopped.
6. The Bill seeks to make a long-term statutory commitment so that children who need FSMs are supported to ensure they get the nutrition they need to help them fulfil their potential. The Member believes this should be a priority in terms of the call on the resources of the Department. The Member notes that locally, between 1st April 2023 and 31st March 2024, 60,831 (74%) of the parcels provided by food banks in the Trussell Trust network were for families with children. This represented a record level of need.¹

¹ <https://cms.trussell.org.uk/sites/default/files/wp-assets/EYS-Northern-Ireland-Factsheet-2023-24.pdf>

7. Reports by the Northern Ireland Audit Office into Child Poverty have underlined the attainment gap between those in receipt of FSMs and the rest of the school population.² This is acknowledged in the consultation on the draft Anti-Poverty Strategy 2025-2035 from the Northern Ireland Executive.³ The Trussel Trust, which runs foodbanks, noted a 49% spike in food parcels to families in July and August 2023, following the discontinuation of the SHFG.⁴
8. The consultation on the Anti-Poverty Strategy identified food insecurity (including during school holidays) as an important component of poverty and emphasised the importance of access to resources for those experiencing poverty.⁵ The Member acknowledges that poverty cuts across society and age groups but wishes to target food insecurity for school children as an immediate priority. Recent academic research has highlighted the impact of cuts to support schemes, including holiday meal payments, against the backdrop of rising food prices.⁶
9. The Bill will amend the Education and Libraries (Northern Ireland) Order 1986 (the 1986 Order) to place a duty on the Authority to provide financial support during school holidays for eligible school aged pupils - the equivalent of the costs for a school meal. This is tied to the existing entitlement to FSMs contained within Articles 58 and 59 of the 1986 Order. The Bill links this to the current statutory framework and administration of FSMs as approved by the Department.
10. The Bill specifies that the form of support provided will be regular payments made directly to bank accounts or, if an eligible parent does not have access to a bank account, by an alternative method in accordance with arrangements approved by the Department. Payments will be equivalent to the cost of school meals, which is published by the Authority and may be adjusted from time to time. This provides certainty for parents around the level of payments they will receive and works in line with the existing arrangements approved by the Department.
11. A power is included for the Department to make Regulations if it wishes to direct the Authority on what the cost of school meals, and therefore the payment, should be. However, this is not mandatory, and need not disrupt existing arrangements, where the Authority publishes the cost of school meals. The power is included to provide flexibility in the event of any changes the Department may wish to make and future proof the Bill.
12. The Bill will place a further duty on the Authority to keep full and accurate records of how they support children by ensuring access to free school meal direct payments. These records will be shared with the Department and stipulates the retention period set out in the Department's own guidance, or such guidance as may replace it. The Bill defines the relevant periods in which payments must be made.
13. It also includes a limited power to amend the definition of this within the 1986 Order. This is included to recognise that it would be inflexible to require amendment of this by way of further primary legislation.

² NIAO, *Child Poverty in Northern Ireland*, March 2024, found at [NI Audit Office Report - Child Poverty in Northern Ireland.pdf](#), NIAO, *Social Deprivation and links to Educational Attainment*, May 2021, found at [249503 NIAO Closing the Gap report FinalWEB.pdf](#).

³ *The Executive's Anti-Poverty Strategy, 2025-2035*, found at [DfC Anti Poverty Report-2025.pdf](#).

⁴ [Holiday hunger: Children 'may go hungry without summer payments' - BBC News](#).

⁵ Above, at 3, p.18.

⁶ Fitzpatrick, C., Loader, R., McCartney, S., McConnell, B., McMullen, J., Murray, C., Orr, K., Purdy, N., & Simms, V. (2023). *The consequences of the cuts to education for children and young people in Northern Ireland*. <https://www.stran.ac.uk/wp-content/uploads/2023/06/The-Consequences-of-the-Cuts-to-Education-for-Childrenand-Young-People-in-Northern-Ireland-Final.pdf> Queen's University Belfast - Research Porta

CONSULTATION

14. The Bill Sponsor conducted a consultation exercise over a fourteen-week period on the policy objectives and proposed options for the Bill which commenced on 12th November 2024.
15. The Sponsor also shared his initial legislative proposal with the Northern Ireland Human Rights Commission and the Equality Commission for Northern Ireland.
16. Direct engagement has taken place with a wide range of stakeholders, including the community and voluntary sector, charities, school leaders and youth workers. Strong support was given for the proposed legislation, and stakeholders are of the view that it is a step in the right direction towards helping families in poverty and tackling the longstanding health and education inequalities many of our children and young people face.
17. The Minister of Education has stated that he does not intend to legislate on this issue in the current Assembly mandate. The Minister has expressed support for a broader approach to supporting families experiencing poverty (in line with the Executive's consultation on the Anti-Poverty Strategy 2025-2035) and has highlighted concerns about the lack of funding available to deliver a scheme.
18. The Member considers that targeted school holiday payments are an effective mechanism to support those families in greatest need. Irrespective of broader arrangements, the Member wishes to enshrine entitlement to this payment in legislation.

OPTIONS CONSIDERED

19. **Option One:** Continue with the status quo.
20. **Option Two:** Enact legislation to provide direct payments in lieu of free school meals throughout all future school holiday periods to those children and young people who are already entitled. Payments should be equivalent to the cost of school meals, as published by the Authority.
21. Following consultation and deliberation, the Bill Sponsor considers that primary legislation is the best mechanism by which to achieve the policy objectives.

OVERVIEW

22. The Bill has 4 Clauses and no Schedules. A commentary on each of the Clauses follows below. However, where a Clause or part of a Clause does not seem to require an explanation or comment, none is given.

COMMENTARY ON CLAUSES

Clause 1: Sets out the modification proposed to the 1986 Order. It would introduce new Articles 58(1A) to 58(1J) to the 1986 Order and lays out a requirement for the Authority to provide a financial payment in lieu of milk, meals or other refreshment for relevant periods, with the requirement applicable to parents of pupils in receipt of free school meals. A financial payment to eligible parents will be to a nominated bank account or by an alternative method.

An obligation is imposed on the Authority to keep full and accurate records of how they support children by ensuring access to free school meal direct payments. These records will be shared with the Department.

The financial payments will be equivalent to the cost of school meals, as published by the Authority.

Regulation-making powers have been included to enable the Department to make further regulations to determine the financial payment to parents, if appropriate.

Regulation making powers have been included for the Department to amend the definition of “the relevant periods” to include additional types of school holiday or any other school closure. Although this is a ‘Henry VIII’ power to amend the 1986 Order, it is strictly limited in its ambit and is included to recognise that a change to this definition may be required without recourse to further primary legislation.

An obligation is imposed on the Authority to publish on its website the current school meal charges.

Clause 2: Sets out consequential amendments which would be minimal and would involve including definitions of “the relevant periods” and “the model Disposal of Records Schedule”.

Clause 3: Covers interpretation and clarifies that references to “the 1986 Order” in the Bill means the Education and Libraries (Northern Ireland) Order 1986.

Clause 4: Sets out the short title and commencement of the Bill. Commencement for the main provisions of the Bill are to be brought into effect by the Minister no later than the next relevant period following Royal Assent. It also specifies the required level of Assembly scrutiny of any secondary legislation that is brought as a result of the Act.

FINANCIAL EFFECTS OF THE BILL

23. The Bill has direct financial impacts on the Department, as they would be required to fund the necessary payments during each academic year for those entitled. When developing the proposals for the Bill, engagement on this issue was undertaken with the Department and the Authority.
24. The size of the school population and the proportion of children who are eligible for FSMs will be the greatest drivers of costs associated with the Bill. The latest statistical data from the Department shows that in the 2024/25 school year over 90,000⁷ pupils were entitled to FSMs, which is around 26%.

⁷ https://www.education-ni.gov.uk/sites/default/files/2025-06/School%20Meals%20in%20Northern%20Ireland%202024-25_0.pdf

25. It is noteworthy when considering potential payments under this Bill, that school populations are projected to decline by 12.7% by the 2033/24 academic year⁸. Assuming that the proportion of children who are eligible for FSMs remains the same, that would equate to just under 80,000 pupils who would be eligible for FSMs in 2033/34, and therefore school holiday meal payments.
26. The price of a school meals differs depending on the school type. From January 2026, the price of school meals is £3.00 for nursery schools, £3.10 for primary schools, £3.34 for post primary schools and £3.10 for special schools.
27. Assuming the proportion of pupils who are eligible for FSMs remains constant and allowing for an interest rate increase of 3.5%, it is estimated that total costs of payments in lieu of meals during the relevant holiday periods will be an average of £21.9 million annually from the academic years 2026/27 to 2033/34, rising from an estimated £20.6 million in 2026/27 to £23.2 million in 2033/34. Should provisions come into effect in the 2025/26 year, there will be a cost to the public purse to cover the holiday periods remaining in that year. These calculations are based on 70 school holiday days – should the number of school holiday days vary, so too would the associated cost.
28. A previous scheme delivered by the Education Authority to address ‘holiday hunger’, the SHFG, which was in place from July 2020 and March 2023, cost £33,000 per annum to administer. Based on these figures, the cost of administration of the school meal payments provided for in this legislation is estimated to be an average of £40,000 per year, rising from £35,300 in 2026/27 to £45,000 in 2033/34. As with the total cost of payments in lieu of meals, should provisions come into effect in the 2025/26 academic year, there will be a cost to the public purse to cover administration of the scheme in that year. It is also possible that administration costs of the scheme may vary depending on how it is decided to administer the scheme.
29. It should be noted that the above calculations are based on published school population projections and FSM entitlement. Data from the Department also shows that in 2024/25 the average rate of FSM uptake across all school types was 80.9%⁹. Should uptake be lower than entitlement, the actual cost to the public purse may be lower than the estimates provided. Conversely should the cost of a meal, determined by the Authority, be higher than the rate of inflation used to calculate these estimates, the cost to the public purse could be higher than estimated. Although the overall school population is projected to decline in Northern Ireland over the next ten years, it is likely that inflation will continue to impact overall cost.

HUMAN RIGHTS ISSUES

30. The Member is satisfied that the Bill does not contain any provisions which are incompatible with Convention Rights defined by the Human Rights Act 1998 or Article 2(1) of the Windsor Framework. Nor does the Member consider that the Bill engages any matter underpinned by provisions of European Union law listed in the Windsor Framework. The Member has shared

⁸ [School Population Projections \(2023/24 based\) Management Information.pdf](#)

⁹ [School Meals Tables for 2024_25_0.xlsx](#)

his initial proposal with the Northern Ireland Human Rights Commission and looks forward to further engagement on the issue.

EQUALITY IMPACT ASSESSMENT

31. An Equality Impact Assessment has not been undertaken, as communications between the Bill Sponsor and the Equality Commission did not identify any initial equality implications of the Bill proposal. The Member will continue to engage on issues of equality but does not consider that the Bill will have an adverse impact on any of the groups identified in section 75 of the Northern Ireland Act 1998.

LEGISLATIVE COMPETENCE

32. At Introduction, the Member in charge of the Bill, Mr Danny Baker, had made the following statement under Standing Order 30:

“In my view the Education (Holiday Meal Payments) Bill would be within the legislative competence of the Northern Ireland Assembly.”

SECRETARY OF STATE CONSENT

33. The Secretary of State’s consent under Section 8 of the Northern Ireland Act 1998 is not required for this Bill.



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For more information please contact:

Northern Ireland Assembly
Parliament Buildings
Ballymiscaw
Stormont
Belfast BT4 3XX

Telephone: 028 90 521137

Textphone: 028 90 521209

E-mail: info@niassembly.gov.uk