

SECTION 1. WHAT ACTION IS THE WELSH GOVERNMENT CONSIDERING AND WHY?

In narrative form, please describe the issue and the action proposed by the Welsh Government. How have you applied / will you apply the five ways of working in the Well-being of Future Generations (Wales) Act 2015 to the proposed action, throughout the policy and delivery cycle?

The Welsh Government is considering the issue of holiday free school meal 'HSFM scheme'. This policy aims to provide families with children eligible for Free School Meals, with a provision equivalent to a meal on weekdays during the school holidays. The policy was originally brought in during the extraordinary circumstances of the Covid pandemic (on 22 April 2020) and was subsequently subject to several incremental extensions during the ongoing cost of living crisis. The most recent extension to the scheme was announced on 3 April 2023, which covered until the end of May half term holiday, including all bank holidays during that period.

The decision needs to be taken in the context of the current financial circumstances following the Cabinet decision of 1st August 2023, to identify savings during the financial year 23/24, with spending during 24/25 being constrained. There are significant financial pressures facing the 2023-24 budget and there is no budget allocated for this provision. Work is continuing on preparations for the 2024-25 budget round. The decisions being made by the Welsh Government are difficult and are not being made lightly as decisions will have wider ramifications, but in considering how those decisions might impact on vulnerable groups, we are making these difficult decisions based on our principles, which include protecting frontline public services, as far as possible, and targeting support towards those at greatest need. It is therefore proposed that the policy is not reinstated and extended further.

The cohort of learners and their families eligible for the proposed action

Learners that have traditionally been eligible for this provision are those who are eligible¹ for Free School Meals (defined under section 512ZB of the Education Act 1996), it does not include the additional learners that are now receiving Universal Primary Free School Meals. Children whose parents receive the following support payments are entitled to receive free school meals in maintained schools in Wales:

- Income Support
- Income-based Jobseeker's Allowance
- Income-related Employment and Support Allowance
- Support under Part VI of the Immigration and Asylum Act 1999
- Child Tax Credit (as long as they don't also get Working Tax Credit and their annual income is £16,190 or less before tax)
- The guaranteed element of Pension Credit
- Working Tax Credit run-on - paid for 4 weeks after they stop qualifying for Working Tax Credit

1. [Education Act 1996 \(legislation.gov.uk\)](https://legislation.gov.uk)

- Universal Credit - their household earnings must be less than £7,400 a year after tax. This does not include any income from benefits.

The provision has also been made available for those families that have their free school meals protected under our Transitional Protection Order².

While a Welsh Government funded holiday provision ended at the close of the 2022-23 academic year, with the 2023-24 academic year now underway, the issue is being revisited ahead of the first half term holiday period of the new school year.

Recent Pupil level annual school census (“PLASC”) data for 2023 (published in September 2023) shows that there are 121,550 children who are eligible for free school meals in Wales and/ or are transitionally protected. A detailed breakdown of this cohort, including those with protected characteristics is included in the equalities IA and the children’s IA.

The Five Ways of Working of The Well-being of Future Generations (Wales) Act 2015

Prevention

Introducing the holiday provision for eFSM learners during holiday periods from the 2023-24 academic year onward would help people keep hold of more money, supporting our efforts to eradicate child poverty, and play a role in tackling child hunger and prevention of health inequalities. This would be by affording parents with eligible children a dedicated sum of money toward the provision of food on Monday-Friday during holiday periods. Access to adequate nutritious food can play a key role in the prevention of health inequalities, which are more likely to be experienced by people, and children in particular, living in socio-economic disadvantage.

The 2022-23 National Survey for Wales reported that 6% of households had received food from a food bank, or that they hadn’t but had wanted to in the past 12 months. The Holiday Free School Meal provision (HFSM) could help to alleviate some financial pressure on families during the holiday period and increase access to food, helping prevent problems escalating.

However, the HFSM provision offer affords significant flexibility to local authorities in its delivery, with the majority opting to deliver the provision through direct payments or shopping vouchers. As such, it is not possible to guarantee the funding provided would be spent on food for the learner, be it nutritious or otherwise. As such, the provision itself could unintentionally widen health inequalities, if poor quality food is purchased or the funding/voucher is spent on other goods.

Nevertheless, the act of a universal offer of a provision to all eligible learners/families during holiday periods offers greater chance of fulfilling the aim of the policy, than not

² [Written Statement: Revised eligibility criteria for free school meals in Wales due to the rollout of Universal Credit \(6 December 2018\) | GOV.WALES](#)

delivering a provision systematically, and instead relying on a range of other local initiatives that aim to provide support but may vary on a geographical basis.

Integration

The HFSM provision would align to ambitions within the draft [Child Poverty Strategy](#) for 2023, which includes the follow two aims:

- 1) reduce costs and maximise the incomes of families; and
- 2) support child and family wellbeing, including those with protected characteristics.

It also supports the UN Convention of the Rights of the child. The Welsh Government is committed to considering children's rights as set out in the United Nations Convention on the Rights of the Child (UNCRC) in all that it does (as considered in detail below in Annex A). The UNCRC provides a minimum standard, a floor for which, no child should fall below. In particular, it requires that the best interests of the child shall be a primary consideration.

In 2011, Wales became the first administration in the UK to enshrine the United Nations Convention on the Rights of the Child (UNCRC) in domestic law, through the [Rights of Children and Young Persons \(Wales\) Measure 2011](#). The Measure embeds consideration of the UNCRC and the Optional Protocols into Welsh law, and places Welsh Ministers under a duty to have due regard to the requirements of the UNCRC when making their decisions.

Every child has the right to be treated fairly, and have equal access to the support, opportunities to make the most of their lives and talents. No child should endure poor life chances because of discrimination or inequitable ability to claim their rights.

It is important for this proposal to link directly with various Programme for Government policies and the [well-being goals](#) for a more equal and healthier Wales, including but not limited to:

- Work to address food poverty (including funding for foodbanks and food partnerships)
- Work to respond to the cost-of-living crisis
- [Claim what's yours](#) campaigns
- [Basic Income Pilot](#) for Care Leavers in Wales
- Free School Meals (including [Universal Primary Free School Meals](#))
- [Childcare offer for Wales](#)
- [Flying Start](#)

Additionally, it has the potential to contribute to a number of the wellbeing goals by building resilience, reducing inequalities, and helping ensure a more prosperous and healthier Wales.

In the absence of a dedicated provision, these aims, policies, and duties remain, and the Welsh Government would aim to fulfil them by working with partners to draw on and integrate support available to families through other means. This would include promoting alternative Welsh Government funded provision including Food and Fun (currently only available during the summer holiday period), as well as support

available through the voluntary sector, charitable means, and private sector offers of support aimed at tackling child hunger.

Collaboration

Close collaboration with partners and key stakeholders will be required to maximise support for the families that would be eligible to receive the HFMS provision, whether or not the provision is reintroduced.

The delivery of the HFMS policy requires close collaboration with our key delivery partners and those representing the interests of children and young people. This includes local authorities, the Welsh Local Government Association (WLGA), Local Authority Catering Association Wales (LACA Wales), schools.

This collaborative approach would better support Welsh Government to reflect and respond to emerging issues, working closely with our key delivery partners to monitor and support proactively in order to address any issues that may arise during delivery.

Further, continued collaboration with colleagues and stakeholders working on eradicating child poverty is required to help ensure cohesion and better identify opportunities for cross referencing with, or signposting toward, the various packages of support available to eligible families, maximising take-up of the support available to them.

Impact

The provision represents a continued step to reaching our shared ambitions of tackling child poverty, helping feed children from low-income households (those who are in receipt of eFSM) during school holiday periods. It seeks to help to keep money in people's pockets, playing an important role in ensuring eligible families have enough money to provide at least one meal a day for the child and therefore helping to prevent health inequalities. However, the first line of defence in supporting disadvantaged families should be the UK Government benefits system, but no consideration has been given to increasing current benefits in line with increasing cost-of-living which has led to disadvantaged families facing increasing hardship.

The absence of the provision will likely lead to increasing the risk of inequalities associated with socio-economic disadvantage, such as health inequalities and attainment. A further explanation is provided in the Equalities Impact Assessment at Section B below.

Costs and Benefits

The total cost of the proposal is approximately £3 million per week. Over the course of a financial year, it would be estimated to cost £35 million³. The estimated costs for the remainder of 23/24 financial year is £14.3m. The weekly cost for each period during school holidays is estimated at £3m.

With no budget assigned to this activity, funding would need to be found within the current Education MEG and the reallocation of funding from other programmes/policies. Any such cuts to core services would potentially have serious consequences and negative impacts on all children across Wales. This needs to be considered against the positive impact the policy has on low-income families, mainly in terms of how the provision puts money back in families' pockets.

Since the HFMSM was intended to be time-limited and because it was established in response to a crisis, no formal evaluation was carried out at the time to establish a clear cost-benefit analysis.

Mechanism

The proposed scheme could be administered through the Local Authority Education Grant (LAEG) and implemented directly to families by local authorities on behalf of the Welsh Government. Local authorities have the discretion, based on assessment of local need, on how to provide the provision the lieu i.e., food parcels, food vouchers, or BACS payment.

³ An average school year consists of 13 holiday weeks including 6 weeks summer holiday, 1 week Autumn half term, 2 weeks for Christmas holiday, 1 week for Spring Half term, 2 weeks for Easter holidays and 1 week for summer half term. In some cases, Easter holidays fall across two financial years. In this example, average costs have been calculated based on 13 weeks within 1 financial year, at a rate of £19.50 per week (£3.90 a day), and include a £5 admin fee per learner, per holiday period.

SECTION 8. CONCLUSION

(Please note that this section will be published)

8.1 How have people most likely to be affected by the proposal been involved in developing it?

This specific proposal has not been consulted upon. Instead, an insight has been provided by pre-consultation engagement activity on the new Child Poverty Strategy for Wales. This pre-consultation exercise has included engagement with 3,358 children, young people, and families with lived experience, including 1,953 with protected characteristics. Food poverty was a common theme, with the cost of food, particularly healthy food identified as an issue and evidence about use of Food Banks and other free or low-cost food offers. Additionally, the [Children's Commission for Wales report Ambitions for Wales](#) survey highlighted that food was a major concern amongst the 8,000 children and young people surveyed e.g. 44% of children aged 7-11 and 25.9% of children aged 11-18, are worried about having enough food to eat.

In addition, local authorities who delivered the provision on behalf of Welsh Government routinely reported on take-up (when the scheme was operating) and provided feedback on the level of enquiries they received from families ahead of holiday periods – which demonstrates a perceived need.

What are the most significant impacts, positive and negative?

The people most likely to be affected by this proposal are children and young people as they make-up the eFSM cohort eligible for this provision and are more likely to be living in poverty. The proposal will have a particular impact on disabled children and families with a disabled member, women who are lone parents, and some ethnic minority families (including, but not limited to, asylum-seekers) as these families are most likely to be living in relative income poverty.

Positive impacts would include.

- Children having the ability to access a meal during the school holidays, preventing poor physical and mental health.
- Reduced anxiety for families and food insecurities for children.
- Parents would be better able to provide essential needs for children.
- Families and children not having to 'go without' other necessities. For example, heating the house, parents and other family members going without food, ability to access opportunities.

If the scheme is not reinstated this will mean children, particularly some ethnic minority children and their families, disabled children, and families with a disabled member as well as women who are lone parents will not receive additional funding (at a value of £19.50 per week, per eligible learner) during the school holidays. This may increase food insecurity and could have a negative impact upon mental and physical health and wellbeing issues, as well as reducing engagement in community, education, and cultural activities. Families may also be forced to reduce spending in other areas, like heating, which could impact on children and their families, particularly disabled children, and families where a member is disabled.

However, the negative impacts will be mitigated. In particular, families who are eligible for free school meals will continue to receive any salary, benefit entitlements, access to the School Holiday Enrichment Programme (SHEP), access to holiday playschemes that provide food, access to foodbanks, and in many areas, access to discretionary funding from local authorities.

If no mitigating measures are available, then a further negative impact is that families may have to spend more of their limited resources on food than would otherwise have been the case, meaning that they may have to go without other necessities.

8.3 In light of the impacts identified, how will the proposal:

- **maximise contribution to our well-being objectives and the seven well-being goals; and/or,**
- **avoid, reduce, or mitigate any negative impacts?**

The most significant impact of re-introducing this policy would be to ensure that the poorest children and young people in society in Wales are potentially not going hungry during the school holidays. The policy would represent an important further step to reaching our shared ambitions of tackling child poverty and contributing significantly to the well-being objectives of a healthier Wales, by working towards reducing health inequality (see 2.5), and a more equal Wales, as set out in the specific impact assessments on equality and socio-economic disadvantage. It also supports the Welsh Government's well-being objective "*eliminate inequality in all of its forms*".

The potential impact of not continuing the policy can be mitigated through the signposting of other holiday support/schemes. This summer, the Welsh Government took steps to encourage local authorities to communicate the availability of alternative support options to those who are impacted by the ending of the holiday provision. Such alternative support options include a wide range of holiday schemes available in each local authority area to support children and young people.

During the summer holidays 175 SHEP schemes were planned, offering 11,000 places across Wales. It was the first summer all 22 local authorities operated the programme. Schools are able to apply to run SHEP if their free school meal population is 16 per cent or over. However, SHEP schemes are open to cohorts of learners regardless of free school meal eligibility.

During the financial year 2021/22, £1m was allocated to deliver the Playworks Holiday Project. It was intended that funding would allow local authorities to use community-based playwork schemes to offer provision to more children than they would otherwise have been able to. The aim—as set out in guidance to local authorities—was to provide better play opportunities for children in vulnerable communities and to realise the benefits this brings in terms of child development and activity levels.

All local authorities used the Playworks 2021 funding offered to them. The nature and amount of play provision varied between local authorities, and the number of children benefitting ranged from 85 to 2500 children in each authority area.

In addition, various local authorities and other local providers/ third sector partners have taken individualised approaches to setting up additional support programmes in their areas. For example, in Cardiff, there was a programme provided by Chapter Arts Centre which ran from 24 July to 1 September and provided free packed lunches for children under 18, along with activities such as free cinema screenings and art packs. Supermarkets and other retailers have been offering discounted Children eat for a £1/ free meals during the holiday period (as described [here](#)).

Alongside this, and to further reduce the risk, the Welsh Government continues to support people with cost-of-living increases by providing targeted help to those who need it the most and through programmes and schemes which put money back in people's pockets. This ranges from free prescriptions and free swimming to helping hundreds of thousands of people with their council tax bills. Welsh Government provides cash payments to people facing financial emergencies and fund money, debt advice and credit unions. During 2022-23 and 2023-24, this support was worth more than £3.3bn. This approach continues to assist low-income households, by increasing their disposable income which can then be redirected to feed their children during the holiday period.

The Welsh Government has also recently concluded its consultation on the Draft [Child Poverty Strategy](#), which set-outs five objectives and outlines a suite of action Welsh Government is taking to deliver on these – Objectives 1 and 3 are of particular relevant:

- Objective 1: to reduce costs and maximise the incomes of families.
- Objective 3: to support child and family wellbeing and make sure that work across Welsh Government delivers for children living in poverty, including those with protected characteristics, so that they can enjoy their rights and have better outcomes.

However, it is important to note that the main source of income for these families is through the UK benefit system which provides financial support at a subsistence level. There are also some Welsh Government financial support packages available. Underneath this Social Services, and other core welfare functions, will step in if children are at risk and in need of support.

8.4 How will the impact of the proposal be monitored and evaluated as it progresses and when it concludes?

If the HFMSM provision were re-introduced, we would continue to work closely with key delivery partners and those representing the interests of children and young people including, local authorities, the Welsh Local Government Association (WLGA), Local Authority Catering Association Wales (LACA Wales) and schools to monitor the impact of the holiday provision either being reinstated or ceasing. We would continue to use intelligence gathered through key stakeholders, such as the

Children's Commissioner, and through the publication of key reports and data, as to monitor the impact of poverty in Wales and the eFSM and learners cohort. Although uptake would be measured and monitored, continued dialogue with local authorities would help provide local intelligence including an indication of the level of enquiries from families on the availability of the provision – providing an indication of need.

A. CHILDREN'S RIGHTS IMPACT ASSESSMENT

1. Policy objectives

- What decision are you impact assessing?

The Welsh Government is considering whether or not to reinstate holiday free school meal provision' (HFSM). This policy aims to provide families with children eligible for Free School Meals with a provision equivalent to a meal on weekdays during the school holidays. The policy was originally brought in during the Covid pandemic and was subsequently incrementally extended during the ongoing cost of living crisis. This impact assessment is considering the impact of a decision to reintroduce or not reintroduce the provision on Children and Young People.

The scheme proposes to provide £3.90 per eligible learner, per school holiday weekday (Monday to Friday) to support families with the cost-of-living crisis. It also includes a £5 admin fee for local authorities to administer the scheme on our behalf.

Gathering evidence and engaging with children and young People

Evidence considered

This provision would be available for learners currently eligible ⁴for Free School Meals (defined under section 512ZB of the Education Act 1996. Those who qualify for eFSM include:

- Income Support
- Income-based Jobseeker's Allowance
- Income-related Employment and Support Allowance
- support under Part VI of the Immigration and Asylum Act 1999
- Child Tax Credit (as long as you don't also get Working Tax Credit and your annual income is £16,190 or less before tax)
- The guaranteed element of Pension Credit
- Working Tax Credit run-on - paid for 4 weeks after you stop qualifying for Working Tax Credit
- Universal Credit - your household earnings must be less than £7,400 a year after tax. This does not include any income from benefits.

It would also be made available for those families who have their free school meals protected under our Transitional Protection Order.⁵ It does not include the additional learners that are now receiving Universal Primary Free School Meals.

Based on this criteria, PLASC 2023 data published in September 2023 shows there are 121,550 learners registered and eligible for FSM (including those that are transitionally protected) This includes learners eligible under the regular means tested criteria (those currently defined under section 512ZB of the Education Act

⁷ [Education Act 1996 \(legislation.gov.uk\)](https://legislation.gov.uk)

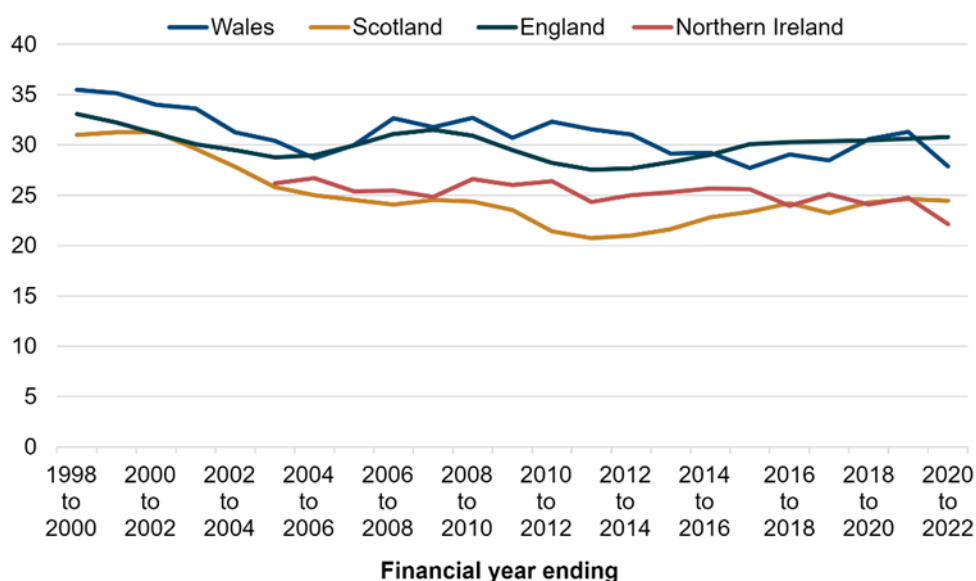
⁵ [Written Statement: Revised eligibility criteria for free school meals in Wales due to the rollout of Universal Credit \(6 December 2018\) | GOV.WALES](#)

1996⁶) and those learners who continue to be protected up to the point they finish their phase of education ‘transitionally protected’.

Take up of the previous HFSM scheme was over 95% based on the grant returns submitted to Welsh Government by local authorities. Take up of the term-time statutory offer however is around 70% nationally. This demonstrates that there is a need for the provision.

Children in relative income poverty

Percentage of children in each UK country living in relative income poverty (after housing costs), three-financial-year averages



Source: Households Below Average Income, Department for Work and Pensions
Children are consistently the age group most likely to be in relative income poverty. In Wales, 28% of children were living in relative income poverty in financial year ending (FYE) 2020 to FYE 2022.⁷ This figure has decreased from 31% reported last year. This is approximately 180,000 dependent children under the age of 19.

Based on this data, there would be approximately 60,000 children and young people living in poverty not eligible to benefit from the HFSM provision.

The Bevan Foundation’s research on the Welsh Benefit’s System

The Bevan Foundation published research in June 2023, on the [Welsh Benefits System](#). It identified that in its efforts to end child poverty, the Welsh Government has designed a number of schemes to support families with their living costs, such as Free School Meals during the holidays, the Pupil Development Grants and

⁹ Education Act 1996 ([legislation.gov.uk](#))

⁷ Relative income poverty: April 2021 to March 2022 | [GOV.WALES](#)

Healthy Start Vouchers. These schemes can be reformed and further improved to help lift children out of poverty.

This [report](#) by the Bevan Foundation found that nearly half of people on Universal Credit or legacy benefits have skipped or cut down on the size of a meal (49 per cent) or skipped a meal (46 per cent).

The Trussell Trust's research on Hunger in the UK

The Trussell Trust's latest and most in-depth study published in June 2023 - [Hunger in the UK](#), reveals its causes, impacts and who is affected. The research explores the experience of hunger in the UK, with reports on Scotland, Northern Ireland, and Wales. They report record numbers of people across the country already forced to turn to food banks, with millions more struggling with hunger, but not yet reaching out for support. They report that:

- More than half of households experiencing food insecurity, and three quarters of people referred to food banks in the Trussell Trust network say that they or a member of their household are disabled.
- Families with children are at a high risk of food insecurity. Nearly half (47%) of all households experiencing food insecurity include children under the age of 16.
- Structural inequalities shape hardship and food insecurity. People from ethnic minority groups, women, people who are LGBTQ+, people who have sought or ever applied for asylum, and people who were in care as a child, are all overrepresented in the proportion of the population experiencing food insecurity and receiving food aid.

The research provides evidence that we need to be able to change systems, policies, and practices, so that everyone in the UK has the dignity of being able to afford the essentials.

Engagement with young people

The people most likely to be affected by this proposal are children and young people and their families currently living in poverty.

This specific proposal has not been consulted upon, instead insight has been gathered via other means. In particular, pre-consultation engagement activity on a new Child Poverty Strategy for Wales has provided evidence on this issue. This pre-consultation engagement included engagement with 3,358 children, young people, and families with lived experience, including 1,953 with protected characteristics. Food poverty was a common theme, with the cost of food, particularly healthy food identified as an issue and evidence about use of Food Banks and other free or low-cost food offers. Separately, the [Children's Commission for Wales report Ambitions for Wales](#) survey highlighted that food was a major concern amongst the 8,000 children and young people surveyed e.g. 44% of children aged 7-11 and 25.9% of children aged 11-18, are worried about having enough food to eat.

In addition, local authorities who delivered the provision on behalf of Welsh Government routinely reported on take-up (when the scheme was operating) and

provided feedback on the level of enquiries they received from families on its continuation ahead of previous upcoming holiday periods – indicating the need.

There is evidence that children, particularly the youngest children are worried about accessing food and eating.

2. Analysing the evidence and assessing the impact

PLASC data for 2023 shows:

Characteristic	Number of pupils	Number of eFSM pupils	% eligible for FSM	% of all eFSM pupils (121,550) with the characteristic	% of those with the characteristic and are eFSM of the whole school population (469,872)	% of pupils with the characteristic of the whole school population
ALN/SEN	63,089	26,635	42.2	21.9	5.7	13.4
BAME	64,561	18,430	28.5	15.2	3.9	13.7
GRT	1,534	1,050	68.4	0.9	0.2	0.3
Mixed	18,242	5,466	30.0	4.5	1.2	3.9
Asian	13,217	2,228	16.9	1.8	0.5	2.8
Black	6,378	2,152	33.7	1.8	0.5	1.4
Female	230,384	59,693	25.9	49.1	12.7	49.0
Male	239,488	61,857	25.8	50.9	13.2	51.0

Reinstating the holiday eligible free school meal provision would have a positive impact on the 121,550 learners eligible for FSM and their families. It would reduce the need for families already facing financial hardship to fund, or to access elsewhere, a meal during school holidays. (Further analysis on learners from different protected characteristics are contained within the Equality Impact Assessment).

Positive impacts would include.

- 121,550 children and young people having the ability to access a meal during the school holidays, preventing poor physical and mental health.
- Reduced anxiety for families and food insecurities for children.
- Parents would be better able to provide essential needs for children.
- Families and children not having to 'go without' other necessities. For example, heating the house, parents and other family members going without food, ability to access community, education, and cultural opportunities.

Whilst families who are eligible for FSM would not receive additional support through vouchers, food parcels or additional financial support during the school holidays, there continue to be safety nets in place for families. Those families will still receive

any salary, benefit entitlements, and financial support that they access. Those families will also have access to: SHEP in the summer holidays and to others holiday playschemes that provide food; access to foodbanks; any local authority discretionary funding schemes; access to a range of local providers/ third sector partners who have taken individualised approaches to setting up additional support programmes in their areas. For example, in Cardiff, there was a programme provided by Chapter Arts Centre which ran from 24 July to 1 September and provided free packed lunches for children under 18, along with activities such as free cinema screenings and art packs. Supermarkets and other retailers have been offering discounted Children eat for a £1/ free meals during the holiday period (as described [here](#)). Ultimately families would be referred to social services, and they would receive additional support from social services if a child was going hungry.

It is important to recognise the baseline level of support already available to the children and families who are eligible for free school meals through the UK benefits system. They are eligible for free school meals due to, in part, already being in receipt of benefits administered by UK government which aim to provide a minimum subsistence level. The HFSM scheme overlays this offer and was originally introduced as a short-term crisis intervention during a period of significant additional challenge at the start of the COVID pandemic. It was extended in the context of cost of living rises and is considered in this context again. However, whether the policy is reintroduced or not, families will continue to be able to access their base level of support provided through the UK Benefit system, which can be used to help feed their children in holiday periods.

The impacts of not reinstating the HFSM scheme, are potentially longer-term on children and their families, for example, through not preventing health inequalities and impacting on educational engagement. As we move from a crisis intervention, these longer-term outcomes require a strategic structural response across education, health, and social services to drive health inequalities prevention and increase education and employment outcomes. Any decision to move money from school budgets, which would be required if this proposal was taken forward, would undermine the programme of education reform which strives to address these structural inequalities. For example, through cutting the pupil deprivation funding which is provided to schools to design interventions that raise the educational engagement of learners living in socio-economic disadvantage.

Impact on children's rights

Improving the outcomes of children and young people from low-income backgrounds is central to delivering on children's rights in Wales.

There are three specific rights that will be most impacted by this policy proposal:

Article 3 (Best interests of the child): The best interests of children must be the primary concern in making decisions that may affect them.

However, as summarised by the Supreme Court in *ZH (Tanzania) (FC) v Secretary of State for the Home Department* [2011] UKSC 4, the following general principles apply in respect of Article 3(1) of the UNRC:

- a. "A primary consideration" is not the same as "the primary consideration", still less "the paramount consideration" (para 25).
- b. Identifying a child's best interests does not lead inexorably to a decision in conformity with those interests. As long as no other single consideration is treated as being inherently more significant than the best interests of the children, a decision-maker is entitled to conclude that the cumulative strength of other considerations outweighed them (paras 26; 33).
- c. It is necessary to consider the best interests of the children first (para 26).

Providing 121,550 children a meal during the school holidays enhances policy in the best interests of the child and will prevent some families from making decisions regarding what can and cannot be provided for their children. For example, heating the house or eating. The policy is designed to ensure a child is provided with one meal a day during the holiday period (Monday-Friday).

It would be in the best interests of children eligible for FSM to receive the additional financial assistance with meals during the school holidays.

However, currently, there is no funding available to reinstate this scheme. As such, a decision to reinstate the provision of FSM in holidays would require in-year savings from the education budget that would have to come from budgets to meet educational objectives. It is necessary to take account of budgetary constraints and other competing demands on the limited education funding, in order to ensure the best interests of children generally (including those children who are not eligible for free school meals).

The impact on the education budget if funding was re-allocated to reinstate the scheme would mean a £15m cut in existing grants and programmes, this would require extremely difficult decisions that it is not recommended. For example, in the Support for Learners division this could mean cutting the ALN grant to local authorities and schools as well as cutting the youth work services grant to local authorities. The impact of cutting the ALN grant would be to reduce staff in schools, decrease additional learning provision and support for children with ALN. This impact would be particularly negative on children and young people with ALN, who are often disabled children and young people, as well as also impacting on the same cohort of children who are eligible for eFSM. There would be significant immediate and longer-term impacts on educational outcomes and wellbeing for children and young people with ALN. The impact of cutting the youth work services grant to local authorities would mean that youth work services would close, youth workers would not be employed, and young people would not be able to access support, education and community activities which provide tailored support for young people most in need.

There are mitigating measures in place to ensure that any harm to the best interests of children eligible for free school meals are mitigated to the greatest feasible extent.

Article 24(2)(c) of the UNCRC states parties shall take appropriate measures to combat disease and malnutrition, including within the framework of primary health care, though, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution). The appropriateness of the measures pursued must take account of the existence of the UK

Government's social security system, which provides subsistence level benefits, the safety net of social services, and finite budgets.

Article 26 of the UNCRC provides that State Parties shall recognise for every child the right to benefit from social security and shall take the necessary measures to achieve the full realisation of this right in accordance with their national law.

Article 27 states that States Parties recognise the right of every child to a standard of living adequate of the child's physical, mental, spiritual, moral, and social development. The primary responsibility for this rests with parents. Article 27(3) provides that States Parties, in accordance with national conditions *and within their means* shall take appropriate measures to assist parents and others responsible for the child to implement this right, and shall, in case of need, provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing. The reinstatement of HFMS provision would enhance a child's standard of living. The means taken to assist parents in this regard are those set out in the UK social security system, and the other forms of support outlined in this IIA. Moreover, the duty to take appropriate steps to assist parents applies only where the State has the means to do so.

The HFMS provision was introduced as a short-term crisis intervention in COVID and as a cost-of-living intervention. It was never designed to be a longer-term government intervention to help those most in need as strategic, systemic policy solutions are required to address the impact of socio-economic disadvantage on children and their families. It was originally introduced to provide a provision in lieu of a Free school Meal to eligible pupils whilst schools were closed during lockdown in term time. The ongoing lockdown and restrictions caused by the COVID-19 pandemic led to many individuals within families being made redundant or furloughed, leading to further hardship and socio-economic deprivation. A decision was made to extend the provision into the school holidays as these were exceptional circumstances where families could not work or provide income for their families. The provision was further extended after the COVID-19 restrictions were lifted to support families to get back to pre-pandemic levels.

To further enhance this right more information can be shared with children and families through the 'Claim what's yours' communications campaign that is targeted at families most in need. This campaign promotes information on additional financial support that is available for families, like the school essentials grant.

Additional mitigating actions have been outlined below in the Equalities Impact Assessment found in Section B.

- Consider whether any EU (European Union) Citizens Rights (as referenced in the Equality Impact Assessment) relate to young people up to the age of 18.
- This policy does not impact on EU/EEA and Swiss Citizens' Rights. Any families that have No recourse to public funds that are receiving Free School Meal in term time will also be eligible to claim this benefit during the holiday period.

3. Ministerial advice and decision

If the Minister were to decide not to reintroduce the HFSM funding, this would have an obvious adverse impact on all children who are eligible for FSM, and also on their families.

Not reinstating the HFSM scheme would have a disproportionate impact on children in Wales, particularly disabled children, Ethnic minority children and children with ALN/SEN. Reinstating the Holiday eFSM would potentially provide positive impacts for those children and families facing hardship.

However, enhancing these rights must be balanced against the impact of reinstating the HFSM which would require significant in-year spending cuts that would further impact on the rights of children. That would have serious consequences and negative impacts on children across Wales who might not be able to access education, food, and support. If funding was reallocated from the existing education budget, then in-year savings would have to be made on existing education grants. This would probably mean cutting school budgets. This would seriously challenge all children in Wales' right to education and particularly Article 29.

There are very difficult decisions to be made given the constraints of the current financial situation. Careful consideration of the impact of in-year budget cuts to education grants on access to education for children across Wales, particularly children in socio-economic disadvantage, disabled children and ethnic minority children has been given. These grants underpin the education reform programme which aims for high standards and aspirations for all, tackling the impact of poverty on attainment and ambition. All learners, whatever their background, are supported to be healthy, engaged, enterprising and ethical citizens, ready to play a full part in life and work. It is not advised that there are in-year budget cuts to reallocate funding to reinstate the HFSM scheme.

MA/JMEWL/2592/23 seeks the Minister's approval to not reinstate the HFSM provision and confirm that the provision has ceased indefinitely. Previous Ministerial Advice on this provision include:

- **MA/JMEWL/0741/22**
- **MA/JMEWL/0124/22**

4. Communicating with Children and Young People

- If you have sought children and young people's views on your proposal, how will you inform them of the outcome?

This specific proposal has not been consulted upon, instead insight has been gathered via other means. In particular, pre-consultation engagement activity on a new Child Poverty Strategy for Wales has provided intelligence - this included engagement with 3,358 children, young people, and families with lived experience, including 1,953 with protected characteristics. Food poverty was a common theme,

with the cost of food, particularly healthy food identified as an issue and evidence about use of Food Banks and other free or low-cost food offers. Separately, the [Children's Commission for Wales report Ambitions for Wales](#) survey highlighted that food was a major concern amongst the 8,000 children and young people surveyed e.g., 44% of children aged 7-11 and 25.9% of children aged 11-18, are worried about having enough food to eat.

In addition, local authorities who delivered the provision on behalf of Welsh Government, routinely reported on take-up (when the scheme was operating) and provide feedback on the level of enquiries they receive from families on its continuation ahead of previous upcoming holiday periods – indicating the continuing need.

5. Monitoring and Review

The proposal is to not reinstate the HFMS scheme. The Welsh Government will continue to monitor the impacts on children and young people through our cross-government approach to child poverty. The Welsh Government will continue to gather insights from key partners, including for example the Children's Commissioner for Wales, and pieces of research on the impact of the cost-of-living crisis, food poverty and specifically holiday hunger. The Welsh Government will continue to collaborate with Local Authorities and schools to further understand the impact of the proposal.

B. EQUALITY IMPACT ASSESSMENT

1. Describe and explain the impact of the proposal on people with protected characteristics

The proposal is not to reinstate the HFMS scheme. The proposal will therefore impact on the children (and their families) eligible for free school meals. Within this cohort will be a range of protected characteristics, some of which will be over-represented in this group. As such, it is possible that the impacts will be disproportionately felt by some groups of people, for example, children with ALN/SEN (as a proxy for disabled children) and families with a disabled member, women who are lone parents, children and families living in socio-economic disadvantage and some ethnic minority families.

Not reinstating the HFMS scheme will mean children, particularly Black, Asian and ethnic minority children, and their families (including, but not limited to asylum-seekers and Gypsy Roma and Travellers), disabled children and families with a disabled member as well as women who are lone parents and/or victims of Violence Against Women, Domestic Abuse and Sexual Violence, will not be able to access additional support and may continue to experience food insecurity. This could impact negatively upon mental and physical health, as well as reducing engagement in community, education, and cultural activities. Families may also be forced to reduce spending in other areas, like heating, which could impact on children and their families, particularly disabled children, and families where a member is disabled. This could also impact on a family's risk of domestic abuse.

Whilst families who are eligible for FSM will not receive additional support through vouchers, food parcels or additional financial support during the school holidays, there continue to be safety nets in place for families. Those families will still receive any salary, benefit entitlements, and financial support that they access. Those families will also have access to: SHEP in the summer holidays and to other holiday playschemes that provide food; access to foodbanks; other local authority discretionary funds; access to a range of local providers/ third sector partners who have taken individualised approaches to setting up additional support programmes in their areas. For example, in Cardiff, there was a programme provided by Chapter Arts Centre which ran from 24 July to 1 September and provided free packed lunches for children under 18, along with activities such as free cinema screenings and art packs. Supermarkets and other retailers have been offering discounted Children eat for a £1/ free meals during the holiday period (as described [here](#)). Ultimately families would be referred to social services, and they would receive additional support from social services if a child was not being fed.

The discontinuation of the HFMS scheme would mean children, particularly some ethnic minority children and their families (including, but not limited to asylum-seekers), disabled children and families with a disabled member as well as women who are lone parents and/or victims of VAWDASV, may continue to experience food insecurity which could impact negatively upon mental and physical health, as well as

reducing engagement in community, education, and cultural activities. Families may also be forced to reduce spending in other areas, like heating, which could impact on children and their families, particularly disabled children, and families where a member is disabled.

It is important to recognise the baseline level of support already available to the children and families who are eligible for free school meals through the UK benefits system. They are eligible for free school meals due to, in part, already being in receipt of benefits administered by UK government which aim to provide a minimum subsistence level. The HFMS scheme overlays this offer and was originally introduced as a short-term crisis intervention during a period of significant additional challenge at the start of the COVID pandemic. It was extended in the context of cost of living rises and is considered in this context again. However, whether the policy is reintroduced or not, families will continue to be able to access their base level of support provided through the UK Benefit system, which can be used to help feed their children in holiday periods.

The impacts of ending the provision, have potential longer-term effects on children and their families, for example, through not preventing health inequalities and impacting on educational engagement. As we move from a crisis intervention, these longer-term outcomes require a strategic structural response across education, health, and social services to drive health inequalities prevention and increase education and employment outcomes. Any decision to move money from school budgets, which would be required if this scheme were reintroduced, would undermine the programme of education reform which strives to address these structural inequalities. For example, through cutting the pupil deprivation funding, which is provided to schools to design interventions that raise the educational engagement of learners living in socio-economic disadvantage.

To reinstate the provision would require in-year funding cuts from across the education budget and this would negatively impact other groups of people with protected characteristics and potentially create hurdles to access to education. For example, if the additional learning needs (ALN) grants were cut to provide funding then this would directly impact on children's, particularly disabled children's, access to educational support. Or if the pupil deprivation grant (PDG) budget was cut then this would impact on children eligible for FSM, the same children affected by the cessation of the scheme would lose access to support for school essentials and educational support programmes.

Mitigation measures:

The risk of not continuing the policy can be mitigated through the signposting of other holiday support/schemes. This summer, the Welsh Government took steps to encourage local authorities to communicate the availability of alternative support options to those who are impacted by the ending of the holiday provision. Such alternative support options include a wide range of holiday schemes available in each local authority area to support children and young people. During the summer holiday the Welsh Government's Food and Fun scheme offered just over 11,000 places across Wales, at 177 schemes - an increase from the 8,000 places previous year. It was the first summer all 22 local authorities operated the scheme. Schools are able to apply to run Food and Fun if their free school meal population is 16 per cent

or over, however, Food and Fun schemes are open to cohorts of learners regardless of free school meal eligibility.

During the financial year 2021/22, £1m was allocated to deliver the Playworks Holiday Project. It was intended that funding would allow local authorities to use community-based playwork schemes to offer provision to more children than they would otherwise have been able to. The aim—as set out in guidance to local authorities—was to provide better play opportunities for children in vulnerable communities and to realise the benefits this brings in terms of child development and activity levels.

All local authorities used the Playworks 2021 funding offered to them. The nature and amount of play provision varied between local authorities, and the number of children benefitting ranged from 85 to 2500 children in each authority area.

It is important to note in our mitigation of measures, that it is not possible to directly replace the FSM holiday provision, but there are alternative activities targeted at supporting low-income families in holiday periods. These are established by local authorities, third sector partners and private companies. For example, there were a range of different local food interventions over the summer including free packed lunches for under 18s every Monday to Friday from Chapter arts, Children eat for a £1/ free meals during the holiday period (as described [here](#)).

Alongside this, and to further reduce the risk, the Welsh Government continues to support people with the cost of living by providing targeted help to those who need it the most and through programmes and schemes which put money back in people's pockets. This ranges from free prescriptions and free swimming to helping hundreds of thousands of people with their council tax bills. Welsh Government provides cash payments to people facing financial emergencies and fund money and debt advice and credit unions. During 2022-23 and 2023-24, this support was worth more than £3.3bn. This approach continues to assist low-income households, by increasing their disposable income, which can then be redirected to feed their children during the holiday period.

The distribution of information about alternative support services like food banks and local play schemes and additional financial support such as the Wales fuel support scheme and Discretionary Assistance Fund (DAF) would help to mitigate the impact, this will be particularly focused at engaging particular protected characteristic groups through stakeholder networks. The existing cost of the school day communications campaign can be boosted to continue to target families most in need. As well as continuing to expand holiday play scheme targeted at low-income families, although it is important to acknowledge that these cannot reach all affected children and the schemes do not run for the whole of school holiday periods.

The Welsh Government has also recently concluded its consultation on the Draft Child Poverty Strategy, which set-outs five objectives and outlines a suite of action Welsh Government is taking to deliver on these – Objectives 1 and 3 are of particular relevance:

Objective 1: to reduce costs and maximise the incomes of families.

Objective 3: to support child and family wellbeing and make sure that work across Welsh Government delivers for children living in poverty, including those with protected characteristics, so that they can enjoy their rights and have better outcomes.

However, it is important to note that the main source of income for these families is through the UK benefit system which provides financial support, there are also some Welsh Government financial support packages available. Underneath this Social Services, and other core welfare functions, if children are vulnerable and in need.

Monitoring mechanisms will be put in place to continue to collect information about the impact of not reinstating the HFSM scheme. This will be through our regular engagement with WLGS and local authorities as well as specific engagement with the Childrens Commissioner for Wales and child poverty groups.

Our understanding of the cohort affected by the proposal.

PLASC data for 2023 shows:

Characteristic	Number of pupils	Number of eFSM pupils	% eligible for FSM	% of all eFSM pupils (121,550) with the characteristic	% of those with the characteristic and are eFSM of the whole school population (469,872)	% of pupils with the characteristic of the whole school population
ALN/SEN	63,089	26,635	42.2	21.9	5.7	13.4
BAME	64,561	18,430	28.5	15.2	3.9	13.7
GRT	1,534	1,050	68.4	0.9	0.2	0.3
Mixed	18,242	5,466	30.0	4.5	1.2	3.9
Asian	13,217	2,228	16.9	1.8	0.5	2.8
Black	6,378	2,152	33.7	1.8	0.5	1.4
Female	230,384	59,693	25.9	49.1	12.7	49.0
Male	239,488	61,857	25.8	50.9	13.2	51.0

The PLASC figures for 2023 demonstrates that children from ethnic minority backgrounds and children with ALN/SEN, therefore more likely to be disabled children, are disproportionately part of the eFSM cohort. For example, ethnic minority children are 13.7% of the whole school population but are 15.2% of the total eFSM cohort. This is the same for ALN and SEN children, as a proxy for disabled children, as they represent 13.4% of the whole school population but are 21.9% of the eFSM cohort. Black children make up 1.4% of the whole school population but account for 1.8% of the eFSM cohort. 33.7% of all Black children are eligible for FSM. Mixed

children make up 3.9% of the total school population but account for 4.5% of the eFSM cohort, 30% of all children from a mixed ethnic minority background are eligible for FSM. Gypsy, Roma, and Traveller children are 0.3% of the whole school population and 0.9% of the eFSM cohort. It is important to note that 68.4% of all GRT children are eligible for the HFSM provision and will be disproportionately impacted by this proposal. Similarly, 42.2% of children with ALN/SEN, as a proxy for disabled children, are eligible for the HFSM provision and will be disproportionately impacted.

Children and families who are seeking asylum or with insecure migration status are more likely to be living in poverty. The data is not available to understand the proportion of families eligible for free school meals who have an insecure migration status.

Further information on the potential patterns of groups of people likely to form the eFSM cohort can be found within other sources of Welsh government data on relative income poverty (which is different from, but likely includes those eligible for free school meals) from April 2021 to March 2022 and the Welsh Index of Multiple Deprivation (WIMD) analysis published in November 2020. Although this is not specific data about the children and families eligible for free school meals, there is information that has helped to inform our analysis of what protected characteristic groups will be impacted by the decision to not reinstate the HFSM scheme. This data examines how people from protected groups (defined by the Equality Act) differ in terms of deprivation levels of the areas they live in. This analysis helps us understand which groups may be over-represented in areas of high relative deprivation. However, due to small sample sizes, the analysis undertaken to date has not covered intersectionality. It was not able to produce robust figures for children by ethnic group of head of household due to low sample sizes. This analysis also does not tell us about individuals who are deprived, and so there are people living in deprived areas that would not be considered deprived, and vice versa; there are people that would be considered to be deprived living in the least deprived areas.

This data is summarised under each protected characteristic group below.

Sex:

- Lone parent households were the family type most likely to be in relative income poverty. Around 80,000, or 38% of children who lived in lone parent families lived in relative income poverty in the latest period, FYE 2020 to FYE 2022. Lone parent families who are more likely to be women therefore, women would be disproportionately impacted by the cessation of the scheme.
- Although children eFSM will be living across Wales research patterns show that Females: from all age groups are more likely to live in more deprived areas than males. On average, 9.2% of females live in the 10% most deprived Lower Super Output Areas (LSOAs) compared with 8.7% of males.
- Separately, in terms of sex, accordingly to PLASC data there is very little difference in free school meal eligibility in Wales in 2023 according to the sex of the pupil (Male: 25.8%; Female: 25.9%).

The cessation of the scheme could have a negative impact on women who are single parents as they will not receive the extra support to feed their families in the holidays. This could increase food insecurity and exacerbate anxiety and mental health issues, as well as reducing health outcomes and decreasing women's ability to engage with community, education, and cultural events. Women could reduce their access to food to feed their children impacting on their own health and wellbeing as well as impacting on their financial flexibility and confidence. Women who are experiencing domestic abuse could feel further financial pressure or coercive control to either stay in the relationship or to not leave. Ethnic minority women or/and disabled women might face further negative impacts.

Age:

- This proposal directly impacts children of school age 5-16, therefore it will disproportionately impact this age group.

The cessation of the scheme may result in a negative impact on children as they may then not have access to a healthy and nutritious meal in the school holidays, unlike in term time when they can access a free meal. If children are not fed in the holidays, then this could impact on their physical and mental health as well as their longer-term educational outcomes and life chances.

Ethnicity:

- The PLASC figures 2023 demonstrates that children from ethnic minority backgrounds are disproportionately part of the eFSM cohort. Ethnic minority children are 13.7% of the whole school population but are 15.2% of the total eFSM cohort. Black children make up 1.4% of the whole school population but account for 1.8% of the eFSM cohort. 33.7% of all Black children are eligible for FSM. Mixed children make up 3.9% of the total school population but account for 4.5% of the eFSM cohort, 30% of all children from a mixed ethnic minority background are eligible for FSM. Gypsy, Roma, and Traveller (GRT) children are 0.3% of the whole school population and 0.9% of the eFSM cohort. It is important to note that 68.4% of all GRT children are eligible for the HFSM provision. Ethnic minority children will be disproportionately impacted by this proposal.
- Households in which the head of household was from a Black, Asian or minority ethnic group were more likely to be in relative income poverty than those with a head of household from a white ethnic group. For the period FYE 2018 to FYE 2022 there was a 40% likelihood of people whose head of household comes from a Black, Asian or minority ethnic group living in relative income poverty. This compares to a 22% likelihood for those whose head of household comes from a white ethnic group. However, because the vast majority of households in Wales have a head who is from a white ethnic group, most people (96%) who were living in relative income poverty were from such households.

- Although children eFSM will be living across Wales research patterns show that Black, Asian, and Minority Ethnic people are more than twice as likely to live in the 10% most deprived LSOAs, than White people (20.6% of ethnic minority people compared to 8.3% of White people). Over 1 in 10 people living in the 10% most deprived areas are from ethnic minority groups, despite making up only 1 in 20 of the total population in Wales. Black people are most likely to live in the 10% most deprived LSOAs with over a third living in these areas (35% of their total population).
- Children and families who are seeking asylum or with insecure migration status are more likely to be living in poverty. The data is not available to understand the proportion of families eligible for free school meals who have an insecure migration status.

The cessation of the scheme could have a negative impact on some ethnic minority children and their families as they may not have access to additional funding for a healthy and nutritious meal in the school holidays, unlike in term time when they can access a free meal. This could impact on their physical and mental health as well as their longer-term educational outcomes and life chances. Family members may reduce their food intake to feed their children, this could have a particularly negative impact on health as some ethnic minority families and children are at greater risk of diabetes than white families and children.

Disability

- PLASC data shows that 42.2% of children with Additional Learning or Special Education needs, are eligible for a HFSM, compared to 25.9% of the whole school population that are eligible. This data also shows that 21.9% of the eFSM cohort is made up of children with ALN or SEN. However, not every child with ALN or SEN is a disabled child.
- In the latest period (FYE 2020 to FYE 2022) 31% of children who lived in a family where there was someone with a disability were in relative income poverty compared with 26% of those in families where no-one was disabled. For working-age adults, 28% who lived in a family where there was someone with a disability were in relative income poverty compared with 16% of those in families where no-one was disabled.
- Although children eFSM will be living across Wales, research patterns show that disabled people make up 1 in 3 of all people living in the most deprived areas. People who are disabled are more likely to live in the 10% most deprived areas than people who are not disabled (13.8% compared to 8.1% respectively). Note the survey data is based on the medical model of disability rather than the social model of disability. Evidence suggests that children living in a family where there is a disabled person are more likely to be living in relative income poverty⁸.

⁸ Relative income poverty: April 2021 to March 2022 | GOV.WALES

- More than half of households experiencing food insecurity, and three quarters of people referred to food banks in the Trussell Trust network say that they or a member of their household are disabled.

The cessation of the scheme could have a negative impact on disabled children and members of their family who are disabled as they may not have access to a healthy and nutritious meal in the school holidays, and the pressure on the family budget might mean that other basic necessities, like heating or electricity for medical equipment, are not accessible, therefore exacerbating existing health issues. If disabled children are not fed in the holidays, then this could impact on their physical and mental health as well as their longer-term educational outcomes and life chances.

Religion, belief, and non-belief

- There is a lack of data on the religion, belief, or non-belief of the eFSM cohort but there are some patterns that can be found in data on people living in poverty in Wales.
- Although children eFSM will be living across Wales research patterns show that people of Muslim faith are over four times more likely than Christians to live in the 10% most deprived LSOAs in Wales, with just under 1 in 3 Muslims living in these areas. Having said this, 38.7% of people living in the 10% most deprived LSOAs in Wales are Christian compared with 6.4% being of Muslim faith. This is because there are over 26 times more Christians living in Wales than Muslims.
- Those with no religion are slightly more at risk than those with a religion to live in the most deprived areas (9.8% and 8.2% respectively) and those with no religion also make up a bigger share of all people living in the 10% most deprived LSOAs (51.7%).

The cessation of the scheme could mean although there is a lack of evidence to be certain about this, that a disproportionate negative impact on some religious groups, people of Muslim faith and people with no faith as they may not have access to additional support for a healthy and nutritious meal in the school holidays, and the pressure on the family budget might mean that other basic necessities, like heating or electricity for medical equipment, are not accessible, therefore exacerbating existing health issues. This could impact on their physical and mental health as well as their longer-term educational outcomes and life chances.

Marriage and civil partnership:

- Although children eFSM will be living across Wales research patterns show that single people are more than twice as likely to live in the 10% most deprived LSOAs compared with those who are married or in a civil partnership (12.1% and 5.8% respectively). 10.2% of people who are separated, divorced or from a dissolved civil partnership live in the most deprived areas and 7.7% of people who are widowed live in these areas. Nearly half of all people living in the most deprived 10% of LSOAs are single.

Therefore, although there is insufficient data to understand the scale of the impact of the proposal on this group it is likely that the cohort includes a disproportionate number of single parents who are separated, divorced or from a dissolved civil partnership. These families are more likely to be led by women, but there will be families also led by lone men.

To not reinstate the HFSM scheme could mean a disproportionate negative impact on people who are separated, divorced or from a dissolved civil partnership as they may not have access to additional support for a healthy and nutritious meal in the school holidays, and the pressure on the family budget might mean that other basic necessities, like heating or electricity for medical equipment, are not accessible, therefore exacerbating existing health issues. This could impact on their physical and mental health as well as their longer-term educational outcomes and life chances. These people could also be at risk of domestic abuse therefore face additional negative impacts from not reinstating the HFSM scheme.

Gender Reassignment (the act of transitioning and Transgender people); There is insufficient data to be able to understand the scale of the impact of the proposal on this group.

Pregnancy and maternity; There is insufficient data to understand the scale of the impact of the proposal on this group. Although it is important to note that the proposal will disproportionately impact on women, this will be women who are already mothers and could well be pregnant or on maternity leave.

To not reinstate the HFSM scheme could mean a disproportionate negative impact on people who are pregnant or in the maternity period as they may not have access to additional support for a healthy and nutritious meal in the school holidays, and the pressure on the family budget might mean that other basic necessities, like heating or electricity for medical equipment, are not accessible, therefore exacerbating existing health issues. This could impact on their physical and mental health as well as their longer-term educational outcomes and life chances. These people could also be at a heightened risk of domestic abuse therefore face additional negative impacts from not reinstating the HFSM scheme.

We have undertaken an assessment of how this policy impacts on the Welsh Governments ability to progress the three parts of the general duty:

Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act.

The data set out above indicates that the proposal may place particular protected groups at a particular disadvantage (including single parents (who are disproportionately female), Ethnic minority households, and households with a disabled parent and/or child).

From the above, the proposal may well place certain groups at a particular disadvantage (including single parents (who are disproportionately female), ethnic minority households and households with a disabled parent and/or child).

However, the proposal does not amount to indirect discrimination as it can be objectively justified. The proposal pursues a legitimate aim, being the need to prioritise funding for educational objectives, including compliance with statutory duties, in light of funding pressures and the need to balance the budget. Those educational objectives, including compliance with statutory duties, would be compromised if funding was required to be diverted to provide free school meals during school holidays. The proposal is proportionate in light of the mitigating measures summarised above.

However, the proposal is objectively justified. It is a proportionate means of achieving a legitimate aim. The legitimate aim is the prioritisation of educational objectives, including compliance with statutory duties, which would be compromised if funding was required to be diverted to provide free school meals during school holidays.

The responsibility for providing subsistence funding for families, to ensure that children are fed, is upon the UK Government, and its administration of the social security system. The Welsh Government is taking the measures it can, within the scope of its powers, to address child poverty in Wales (as set out, in particular, in the Child Poverty Strategy for Wales). ultimate safety net to ensure that children receive adequate nutrition is through the child protection system in Wales, and the duties on social services authorities to meet the eligible needs of a child.

The measures specifically in place to mitigate the impact of any decision to cease funding HFSM include.

- continuation of Welsh Government's existing holiday programmes;
- the signposting of various local authorities and other local providers/ third sector - partners have taken individualised approaches to setting up additional support programmes in their areas;
- support for people with the cost of living, by providing targeted help to those who need it the most and through programmes and schemes. This ranges from free prescriptions and free swimming to helping hundreds of thousands of people with their council tax bills.
- Welsh Government provides cash payments to people facing financial emergencies and fund money and debt advice and credit unions. During 2022-23 and 2023-24, this support was worth more than £3.3bn.

The ultimate safety net to ensure that children receive adequate nutrition is through the child protection system in Wales, and the duties on social services authorities to meet the eligible needs of a child.

Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.

The proposal would have a negative impact on equality of opportunity particularly for children, disabled people, women, and some ethnic minorities by reducing their ability to access healthy food, basic necessities and cultural activities.

The mitigating measures set out above will limit and reduce any impact on equality of opportunity between people who share a relevant protected characteristic and those who do not are outlined in the Equality impact statement above.

Foster good relations between people who share a protected characteristic and those who do not.

To reinstate the policy would make a positive impact on fostering good relations between people who share a protected characteristic and those who do not – the provision would allow families to have more disposable income and as such it would enable families to attend more cultural and community activities. It would particularly impact on women, as more single parents from low-income families are women, disabled people, children, and some ethnic minorities'. It may also improve the physical and mental health of families as it could reduce food insecurity and anxiety that could mean that families feel able to access more community activities.

To not reinstate the policy would have adverse effect and a negative impact on fostering good relations between people who share a protected characteristic and those who do not as it would not enable families to attend more cultural and community activities. It would particularly impact on women, as more single parents from low-income families are women, disabled people, children, and some ethnic minorities'. It would increase food insecurity and anxiety for families with low incomes and decrease their confidence to attend community activities. Again, this can be mitigated through the signposting of existing holiday schemes and wider cost of living support.

Have you developed an outcomes framework to measure impact?

No, further information on measuring impact is included in the Equality Impact Assessment.

The proposal is to not reinstate the HFMS scheme. The Welsh Government will continue to monitor the impacts on children and young people through our cross-government approach to child poverty. The Welsh Government will continue to gather insights from key partners, including for example the Children's Commissioner for Wales, and pieces of research on the impact of the cost-of-living crisis, food poverty and specifically holiday hunger. The Welsh Government will continue to collaborate with Local Authorities and schools to further understand the impact of the proposal.

Human Rights and UN Conventions

Do you think that this policy will have a positive or negative impact on people's human rights? (*Please refer to point 1.4 of the EIA Guidance for further information about Human Rights and the UN Conventions*).

Human Rights	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate negative Impacts?
Human Rights including Human Rights Act and UN Conventions	N/A	<p>Commencing free school meal holiday provision has no impact on Articles 2 – 14⁹, or the following protocols:</p> <ul style="list-style-type: none"> • Protocol 1, Articles 1 (the right to peaceful enjoyment of possessions) and 3 (the right to free elections). • Protocol 13, Article 1 (abolition of the death penalty). 	<p>N/A</p> <p>A full CRIA has been undertaken at Annex A</p>

EU/EEA and Swiss Citizens’ Rights

This policy does not impact on EU/EEA and Swiss Citizens’ Rights. Any families that have no recourse to public funds that are receiving Free School Meal in term time will also be eligible to claim this benefit during the holiday period.

Acronyms:

eFSM – Eligible for a Free School Meal

FSM – Free School Meal

HFSM – Holiday Free School Meal provision

⁹ Article 2 - The right to life; Article 3 - Freedom from torture or de-grading treatment; Article 4 - Prohibition of slavery and forced labour; Article 5 - The right to liberty and security; Article 6 - The right to a fair trial; Article 7 - No punishment without lawful authority; Article 8 - The right to respect for private and family life and correspondence; Article 9 - Freedom of thought, belief and religion; Article 10 - Freedom of expression; Article 11 - Freedom of assembly and association; Article 12 - The right to marry and found a family; Article 13 - The right to an effective remedy; Article 14 - Prohibition of Discrimination in respect of these rights and freedoms.

