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3003

PREM 19/2648

School Meals, Milk and
Transport

EDUCATION

SEPTEMBER 1979

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
15.10.79		11.10.82					
22.10.79		25.5.89					
29.10.79		26.5.89					
12.11.79		30/5/89					
6.12.79							
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17.3.80							
18.3.80							

PREM 19/2648

CONFIDENTIAL



*File SKW
a BG*

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

15 June 1989

Dear Andy,

WELFARE MILK FOR CHILDREN IN DAY CARE

The Prime Minister was grateful for your Secretary of State's further minute of 14 June, and has noted that he no longer wishes to proceed at this stage with the abolition of free welfare milk for children in day care.

I am copying this letter to David Crawley (Scottish Office), Stephen Williams (Welsh Office), Stephen Leach (Northern Ireland Office), Tom Jeffery (Department of Education and Science), Gill Littlehales (Department of Social Security), Roger Bright (Department of the Environment), Shirley Stagg (Ministry of Agriculture, Fisheries and Food) and Carys Evans (Chief Secretary's Office).

V
PG
(PAUL GRAY)

Andy McKeon, Esq.,
Department of Health.

CONFIDENTIAL

[Handwritten mark]

ccfu

CONFIDENTIAL

PRIME MINISTER

*Prime Minister**Your words have been heeded.
Could be note that Mr. Clarke 14 JUN 1989
has retired huh?!
RRCB, 14/6*

I am replying to your response to my memorandum of 25 May about my proposal to end free welfare milk for children in day care.

You asked me to reconsider this proposal. I have done so and now accept that it would not be prudent to proceed with abolition as and when proposed. You and John Major will wish to be aware that as a result I shall have to enter sizeable bids in the Survey to meet the expected new demand from the local education authorities, which I explained in my original note.

I propose to keep the option open for the future - especially if, as we believe, the local authority demand increases. This aspect of the welfare food system is anomalous and I hope we can seize the right opportunity to remove it from the scheme. I shall, of course, consult colleagues again about revising the proposal.

revising
I am copying this letter to Malcolm Rifkind, Peter Walker, Tom King, Kenneth Baker, John Moore, Nicholas Ridley, John MacGregor and John Major.

L *mf*

14 June 1989
Secretary of State for Health

KC

Education

School Meals etc. Sept 79



File DS

CCBG
CCJW



10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

30 May 1989

Dear Andy McKeon,

WELFARE MILK FOR CHILDREN IN DAY CARE

The Prime Minister was grateful for your Secretary of State's minute of 25 May.

I should be grateful if you and copy recipients could ensure this letter is given only a restricted circulation to named individuals.

The Prime Minister is extremely concerned about the proposal to end free welfare milk for children in day care from the end of this school term, which she thinks would be liable to cause a very great row, particularly against the background of the present controversy over the NHS White Paper and Community Care. She would therefore be grateful if your Secretary of State could reconsider the position.

I am copying this letter to David Crawley (Scottish Office), Stephen Williams (Welsh Office), Stephen Leach (Northern Ireland Office), Tom Jeffery (Department of Education and Science), Gill Littlehales (Department of Social Security), Roger Bright (Department of the Environment), Shirley Stagg (Ministry of Agriculture, Fisheries and Food) and Carys Evans (Chief Secretary's Office).

Yours sincerely

Paul Gray

PP

PAUL GRAY

Andy McKeon, Esq.
Department of Health

M

PRIME MINISTER

WELFARE MILK

You will see from Kenneth Clarke's minute at Flag A that he has decided to end free welfare milk for children in day care from the end of this school term. He says he proposes to make an announcement and to lay the necessary Regulations 'before the end of June'.

Ian Whitehead's note at Flag B summarises the background to the decision. He has been unable to discuss the position fully with the Department of Health, but suggests that, as a minimum, the announcement should wait until after the European elections.

(i) do you want to know more about this before taking a view?

Or

(ii) content for Mr. Clarke to proceed, on the basis that no announcement is made until after the European elections? or do do

PAUL GRAY
26 May 1989

SL2AVJ

No - this will cause

a terrible row - all for

£4 million. I know - I was

through it 19 years ago. Health has enough to do to fight the White Paper

and Community Budget proposals through any scheme for saving £400m on more I will look at. But not 400 mt.

CONFIDENTIAL

CONFIDENTIAL

B

B

PAUL GRAY

26 May 1989

FREE WELFARE MILK

Kenneth Clarke is right to question the 'double benefit' of welfare milk for young children.

The Treasury has just provided some very helpful information on this anomaly. In correspondence, ministers agreed to end free milk for children under 5 during the 1987 PES discussion. Yet a commitment was then given during the committee stage of the 1988 Social Security Bill not to withdraw it. The Treasury was dismayed with this U-turn.

No decision should be taken until we confirm the nature of the commitment. Unfortunately, nearly all DH officials are on holiday today!

As a minimum, Kenneth Clarke should wait until after the European elections, as suggested to me by John Whittingdale.

Ian Whitehead

IAN WHITEHEAD

CONFIDENTIAL

A
CCFO A

CONFIDENTIAL

25 MAY 1989

PRIME MINISTER

I am writing to tell you I have decided that we should end free welfare milk for children in day care from the end of this school term. I propose to make an announcement and lay Welfare Food Amendment Regulations before the end of June.

The present Regulations provide that any child under 5 attending a day nursery or registered childminder can receive a third of a pint of milk a day. This applies irrespective of family need or income and is a hangover from the days when all children in state schools received such milk. It also creates, haphazardly, a double benefit for some families on Income Support or Family Credit who either receive a pint of milk a day or a cash allowance in lieu under those schemes.

Expenditure on day care milk is at present about £4 million annually (plus administration costs of some £120,000). But since the 1988 Social Security Act withdrew the discretionary power of Local Authorities to provide free school milk, some of these authorities are increasingly using the day care provision to supply free milk to children under 5. If this trend continues the cost could go to £14 million a year.

There is no nutritional or health evidence either for or against day care milk. We proposed amendments to discontinue it in what became the Social Security Act 1988, but decided that the issue was too sensitive at that time. Accordingly during the passage of the Bill we announced that no change was being made. However, the scheme is an increasingly expensive anomaly and although it will be a sensitive issue with some Local Authorities and voluntary bodies and cause a ritual row with the Opposition I believe it is right to end it before the next school term begins.

I am copying this letter to Malcolm Rifkind, Peter Walker, Tom King, Kenneth Baker, John Moore, Nicholas Ridley, John MacGregor and John Major.

25 May 1989
Department of Health

KC

CONCERN: School Bills

and Acct Sep 79



Education da

10 DOWNING STREET

From the Private Secretary

11 October 1982

Thank you for your letter of 7 October covering the proposed Government reply to the Seventh Report of the Education, Science and Arts Select Committee. The Prime Minister is content with your Secretary of State's proposed response.

Timothy Flesher

Mrs. Imogen Wilde,
Department of Education and Science.

JK



DEPARTMENT OF EDUCATION AND SCIENCE

ELIZABETH HOUSE YORK ROAD LONDON SE1 7PH

TELEPHONE 01-928 9222

FROM THE SECRETARY OF STATE

Pris Muester:

W F S Rickett Esq
Private Secretary
10 Downing Street
LONDON
SW1

*Sir Keith's reply to the
Select Committee effectively
rejects first report.*

7 October 1982

VF

Dear Willie,

WF

7/10

EDUCATION, SCIENCE AND ARTS COMMITTEE:
GOVERNMENT REPLY TO THE SEVENTH REPORT

I am writing now to inform you that my Secretary of State is proposing that the Government should reply to the five recommendations concerning school meals contained in the above report by means of a Command Paper to be published on 8 November. I enclose for your information a copy of Sir Keith's letter to Mr Whitelaw in his capacity as Chairman of H Committee.

*Yours ever,
Imogen Wilde*

MRS I WILDE
Private Secretary



DEPARTMENT OF EDUCATION AND SCIENCE

ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH

TELEPHONE 01-928 9222

FROM THE SECRETARY OF STATE

The Right Honourable
William Whitelaw CH MC MP
Home Secretary
50 Queen Anne's Gate
LONDON SW1 9AT

7 October 1982

Jan Little

EDUCATION, SCIENCE AND ARTS COMMITTEE: GOVERNMENT REPLY TO THE SEVENTH REPORT

On 7 September the Committee published its Seventh Report which made five recommendations concerning school meals.

I propose that the Government should reply to these recommendations by means of a Command Paper to be published on 8 November. Only four of the five recommendations are addressed to central Government and do not, in my view, provide any reasons for a change in our present policies.

... I enclose a copy of the draft Government reply and should be grateful for agreement to its publication on 8 November. I am copying this to colleagues on H Committee.

Norman Fowler will wish to look particularly at the proposed reply to recommendation 3 which would have significant policy and manpower implications for DHSS. The reply to recommendation 1 also touches on his Department's responsibilities.

Nicholas Edwards and George Younger may wish to consider whether, notwithstanding the limitation of the Report and proposed reply to England only, there is anything in the draft reply which, by extension, could be seen as giving a false impression of the position in their areas. (I should mention that this and the other relevant Departments have already been in touch at official level).

To allow adequate time for printing, could I ask for replies by 21 October?

A copy of this letter also goes to Sir Robert Armstrong.

Kevin Keir

SCHOOL MEALS: THE GOVERNMENT RESPONSE TO THE 7th REPORT FROM THE EDUCATION,
SCIENCE AND ARTS COMMITTEE, SESSION 1981-82

1. The Committee's Seventh Report contained a number of recommendations about school meals. The Government's reply to these recommendations is set out below.
2. The Memorandum submitted to the Committee in July (Appendix 2 of the Report) identified the two main reasons underlying the changes in the statutory framework for school meals brought about by Section 22 of the Education Act 1980. These were the need first to remove restraints on innovation and, second, to reduce the net cost to public funds of the school meals service. The Government remains committed to those objectives.
3. Until 1980, the statutory basis for school meals had remained essentially unchanged since 1944. In the intervening period, considerable changes had taken place. Not least of these were those arising from the removal of food rationing in the immediate post-war period and the changes in pupils' tastes. Over a number of years there had been growing indications that the traditional school meal was less favoured by pupils who, despite the considerable subsidy provided from public funds, were increasingly either turning away from school meals or not eating the standard meal provided. Experiments in some authorities had shown that new approaches whereby pupils were given greater freedom of choice resulted both in increased take up of school meals and reduced waste. The Government considered it right that local education authorities (LEAs) should be allowed general freedom to introduce such measures in the light of their judgement of local needs and preferences.
4. There was also a need to secure economies. Net expenditure on school meals had been rising steadily over the years. At a time when the Government considered that public expenditure commitments needed to be reduced, it was decided that areas such as school meals should bear a greater proportion of the necessary savings to reduce the impact on more essential parts of the educational process. That there was considerable scope for savings on school meals has been amply demonstrated by many LEAs.
5. It is against this background that the Government makes the following reply to the Committee's recommendations which are concerned with England only.

First recommendation (paragraph 17)

"We recommend that the DES should convene a working party to determine new nutritional standards suited to current conditions, and should issue this in the form of advice to LEAs. If it appears that such advice is being widely ignored, then the Education Act 1980 should be amended to allow the DES to impose minimum standards."

Second recommendation (paragraph 18)

"We recommend that as part of its guidance to LEAs, the DES should make it clear that at least a hot beverage should be available."

6. Both of these recommendations relate to nutrition and school meals. The Education Act 1980 devolved responsibility for the form and content of school meals to LEAs. If individual LEAs wish guidance, it is open to them to seek advice from the Department's Catering Advisers or to consult the material on recommended nutritional intakes published by the DHSS Committee on Medical Aspects of Food Policy. Even if recommended standards were promulgated there is no guarantee that they would result in pupils eating the food so prescribed: previous experience with national standards showed that much of the food provided was wasted.

7. Such evidence as is available suggests that very many schools - particularly those operating cash canteens - make hot beverages available for those pupils who wish to purchase them. The nutritional benefit of a beverage depends on its content rather than its temperature, and it is also relevant that, even in cold weather pupils spend the large part of their day in a warm environment within the school. With regard to pupils entitled to free meals, section 22(2) of the Act places on LEAs a duty to make such provision "as appears to the authority to be requisite". This duty, like all statutory powers and duties of local authorities, must be discharged reasonably in relation to the circumstances, and the nutritional value of the provision which they must make is one of the matters to which LEAs need to have regard.

8. The Government therefore sees no case for the recommended guidance which would conflict with the legislation so recently enacted. It therefore rejects these recommendations.

Third recommendation (paragraph 19)

"We can envisage no administrative obstacle to a free meal being provided automatically to those statutorily entitled by means of some simple system of communication between the Social Services and Education Departments within an authority, and we so recommend."

9. The statutory entitlement to free school meals arises under section 22(2) of the Education Act 1980 where a pupil's parents receive either supplementary benefit (SB)

or family income supplement (FIS). To obtain the free meal benefit parents have only to provide evidence of the receipt of SB or FIS to the LEA. The Department of Health and Social Security (DHSS) publicises the fact that entitlement to free school meals is "passport" by receipt of SB or FIS in its literature and in recipients' benefit books. Each LEA is under a duty to inform parents of the free school meal policy in its schools (which may extend to groups other than SB or FIS recipients) in the information it must provide to parents by virtue of the Education (School Information, Regulations 1981. It is difficult to see how parents in receipt of SB or FIS can be unaware of their children's entitlement to free school meals. In October 1981, 856,000 children were receiving this benefit.

10. The suggestion that DHSS should inform LEAs of families with school-aged children receiving SB or FIS to ensure that no parent fails to take up the benefit raises a number of difficulties which, in the Government's view, renders it unacceptable. First and foremost, it raises important questions of confidentiality and the extent to which the Government should be free to pass information about individuals to other agencies. In the Government's view it is dangerous to assume that because the family applies to DHSS for a particular benefit it is willing to allow a local authority to be aware that the benefit has been awarded. Many parents might be justifiably aggrieved if their confidential claims for a social security benefit led to routine notifications ending up with their children's school. Parents may have particular reasons for choosing not to take advantage of free school meals. They may, for example, not wish their children to be aware of the family's financial circumstances.

11. Contrary to the Committee's view, there would be severe practical problems in implementing this recommendation. Without making additional enquiries neither the central FIS unit at Blackpool nor local SB offices could accurately establish which local authority social services departments would be appropriate in any particular case. In neither case would it be known which school a pupil attends: it could not be assumed that the appropriate local education authority is necessarily the one in whose area the pupil resides. These difficulties could be overcome by parents being asked by DHSS to name the relevant LEA and school. This would, however, add to the already significant manpower implications for central and local government of this recommendation. For the very large number of children of families receiving SB or FIS already taking up their entitlement to free school meals, this work would, in any case, be wholly nugatory.

12. Although unable to accept this recommendation, the Government accepts that all reasonable steps should be taken to ensure that individuals are aware of their benefit entitlements and considers that this is adequately done in respect of free school meals by the existing measures. Ultimately, however, it must be for each family to decide whether or not to take up the benefit.

Fourth recommendation (paragraph 20)

"We recommend that the DES should continue to advise authorities that they should have regard to the desirability of maintaining discretion on free meals, but should advise against any elaborate systems for doing so which might prove counter-productive."

13. The Government shares the view of the Committee that so far as is possible, the identification and embarrassment of pupils receiving free meals should be avoided. The Government sees no need to add to the advice which Circular 1/80 already offers LEAs on this matter. The Department's Catering Advisers will continue to offer examples of good practice where LEAs request guidance on this aspect of their administration of the school meals service.

Fifth recommendation (paragraph 21)

"We recommend that where LEAs are considering privatisation schemes from redundant school meals staff, they should seek to satisfy themselves that the consortium both intends to pay reasonable wages and is likely to be in a position to do so for the full term of the contract."

14. The conditions of service of staff employed in the school meals service is a matter for negotiation between the staff and their employers. The Government has no standing in these matters.



2.

Education

10 DOWNING STREET

~~Prime Minister.~~

CLIVE

You will recall Mrs. came
up yesterday when you saw
the Chairman, Home Secretary and Chief
Sgt.

Neither Lord Rawlinson nor Mr Full

Lord Windlesham voted on school
transport.

MS

MS

SCHOOL TRANSPORT

The Secretary of State for Education and Science (Mr. Mark Carlisle): With permission, Mr. Speaker, I wish to make a statement on school transport provision in England, Scotland and Wales.

As the House will know, decisions were taken last week in another place to delete clauses 23 and 25 of the Education (No. 2) Bill. These clauses sought to empower local education authorities in England and Wales and education authorities in Scotland to charge for providing school transport. The Government have now had an opportunity to consider the situation and have decided that it would not be right to seek to reintroduce the clauses. Such consequential changes to the Bill as are necessary to give effect to this decision will be tabled as amendments for consideration on Report in another place.

As the House will also know, the Government decided last year that it was necessary for local authorities to reduce public expenditure, and the rate support grant settlements for 1980-81 were made accordingly. It was the request of the Association of County Councils that in making these reductions local education authorities in England and Wales should be free, if they wished, to introduce charges for providing school transport. In view of the decision in another place last week, and the Government's acceptance of that decision, the option to charge is no longer open to local authorities. But this in no way removes the obligation on local authorities to achieve the needed reductions in expenditure in some other way.

Mr. Kinnoch: Is the right hon. and learned Gentleman aware that in bringing this statement to the House the Government show the strategic capacity of the Grand Old Duke of York and the judicial sensitivity of Pontius Pilate? Is he aware that, as a consequence of what he is now doing—[HON. MEMBERS: "Oh"] I know that this is painful to Government Members, but they are going to get it just the same.

As a result of this decision, there will be a further increase of 6 per cent. in the cuts that the right hon. and learned Gentleman has already permitted in education; and there will possibly be—especially in those 20 LEA areas that sought to jump the gun—cuts in classroom pro-

vision, sacking of teachers and reductions in capitation and book allowances as a consequence of including in the Bill a totally misconceived proposition for giving local education authorities the obligation to make charges for school transport.

Has the right hon. and learned Gentleman heard the threat that has been made by his noble Friend the Minister of State in the other place, which means that the people most likely to be afflicted as a result of the Government's decision are handicapped children, children in need of nursery education and those undergoing adult education, and that there are other areas where there is jeopardy in addition to the difficulties already created as a result of the Government's programme of cuts?

Will the right hon. and learned Gentleman accept that because he has now undertaken to endorse the will of the House of Lords he must also shoulder an obligation to make additional funds available by means of a supplementary rate support grant so that further harm will not be done to the structure and fabric of education because of the misbegotten ideas that he put forward in the Education (No. 2) Bill?

Mr. Carlisle: First, there will be no increase in the cuts as a result of the decision that we have made. The decision to reduce expenditure had been made and confirmed already in the rate support grant. Secondly, I do not understand what the hon. Gentleman means by those 20 local education authorities who "jumped the gun". Presumably he is referring to those authorities that were proposing to charge had they the freedom to do so. The answer is that they will have to make savings in other ways.

As for the threat by my noble Friend Baroness Young, to which he referred, the point that she was trying to make was that if local education authorities were not able to make reductions in net expenditure by making modest charges for transport the money would have to come from some other part of the education budget, which might be more disadvantageous to the people concerned.

Mr. David Steel: Is the Secretary of State aware that I share the enthusiasm of the hon. Member for Bedwely (Mr. Kinnoch) for the decision in the other place? Will the right hon. and learned

[Mr. Steel.]

Gentleman clarify the remark made by Baroness Young, who seemed to imply that the cuts would have to be found in the education budget, which is not what the Secretary of State said in his statement when he talked about reductions in expenditure in some other way? Will he clarify that and recognise that there is something wrong with the direction of Conservative policy when twice within weeks the Government have had to retreat, first from damaging sub-post offices in the rural areas and now from their decision about school transport?

Mr. Carlisle: I do not accept that. I made it clear in my statement that those savings would have to be found by local authorities in some other way. That is consistent with our overall approach. It is a matter for local authorities to decide how they make their own reductions. However, I cannot ignore the fact that since these reductions were coming out of the education budget, in many authorities it may mean that they will have to come out of some other part of their budget.

Mr. Thornton: Will my right hon. and learned Friend confirm that the inclusion of clause 23 and its consequential discretionary power was at the express wish of local education authorities? Will he further acknowledge that the removal of this discretionary power inevitably means that the savings that are to be expected from local authorities may have an effect on classroom provision?

Mr. Carlisle: Yes. The inclusion of the clause was at the express wish of the Association of County Councils, which is a body representing local education authorities. As for the second part of my hon. Friend's question, as I made clear in speeches in this House and as clear in another place, part of our desire to have this clause in the Bill was to ensure that reductions could be made in this way rather than in other ways.

Mr. Armstrong: As most local education authorities have already made their budget plans for next year, does the right hon. and learned Gentleman understand that any further cuts in the rest of education expenditure will do serious damage to the education of our children, and that increased expenditure on education is necessary, just as much as on law and

order or on defence, if we are thinking about Britain's future? Is he aware that the Government should take the opportunity offered to them by the sensible decision of another place to give education the priority that it deserves?

Mr. Carlisle: I repeat that I have announced no damaging cuts in education expenditure. All that I have said is that one option of achieving part of the necessary reduction has now been closed by the decision of another place, which is apparently supported by Labour Members. I am sure that we would all like to find many areas of expenditure on which more money could be spent. However, the Government are determined to ensure that Britain begins to live within its means.

Sir Derek Walker-Smith: My right hon. and learned Friend has explained with the logic and clarity to be expected of eminent Queen's Counsel that the primary reason for the imposition of transport charges was to save cuts in the more sensitive and important parts of the education system. What guidance does he now propose to give to local education authorities that were prepared to impose transport charges to assist them in the solution of the invidious and unwelcome problems that have been imposed upon them?

Mr. Carlisle: I agree with my right hon. and learned Friend that the results are invidious for local authorities that were aiming to make modest charges.

Mr. Kinnoch: Modest?

Mr. Carlisle: Yes, modest charges in this area. I do not feel that I can go any further than the guidance that is set out in the White Paper that was published earlier this year, which contains our ideas on the ways in which these matters could be met. In a very short time the local authorities whose education authorities were looking for savings in transport costs will have to make their own decisions where best to make other savings.

Mr. Jim Marshall: Does the right hon. and learned Gentleman understand that the decision that he has announced today is disgraceful and disastrous? Does he further understand that if local education authorities have to make reductions in their education budgets that will mean

fewer ancillaries in schools, fewer teachers and increased class sizes? Does he understand despite the furore coming from the Benches behind him, that his decision, when taken with the previous decisions, means that he is undermining the basic education system that has developed over the past 30 years?

Mr. Carlisle: The answer to the last part of the hon. Gentleman's question is that he talking nonsense. He knows full well—he was a member of the Committee that considered the Education (No. 2) Bill—that we are seeking savings of 3½ per cent. in expenditure on education at a time when pupil numbers will have dropped by nearly 5 per cent. during the same period. He describes my statement as disgraceful. May I remind him that I stated that the Government are accepting the decision of another place, which he supported and voted for in this place? If he asks me whether I realise that accepting the decision of another place may mean that reductions will have to be made elsewhere in more sensitive areas in the education budget, my answer is "Yes, I do." That is what I repeatedly said to the House and that is what Labour Members repeatedly ignored.

Mr. van Straubenzee: Has my right hon. and learned Friend noticed how many of the arguments in another place in relation to church schools rest upon the immutable nature of the 1944 settlement? Does he recall that three times in the past 21 years it is the Churches that have been suppliants to the State on the basis of changed financial conditions and changes in financial arrangements? Is it not inconsistent that the same arguments should not apply to the State?

Mr. Carlisle: I am grateful to my hon. Friend, who, as a leading member of the Synod, has consistently supported what the Government proposed to do in this area. I am fully aware of the changes that have been made since 1944 in the relationship between the Churches and the State. I do not accept that our proposals for school transport would have attacked in any way the concordat formed at that time.

Several Hon. Members *rose*—

Mr. Speaker: Order. In view of the problems facing the House today, I pro-

pose to call four more hon. Members from each side of the Chamber.

Mr. Christopher Price: Does the right hon. and learned Gentleman accept, in retrospect, that it is a mistake for a Government of either complexion to persuade local authorities to prepare for making expenditure in their budgets that eventually turns out to be illegal only a few weeks before the end of the financial year? Is it not best to wait for Royal Assent? Does not the decision made in another place demonstrate, as did the example of the Secretary of State for Social Services, the scant regard that the Government have for law and order?

Mr. Carlisle: I can never understand why the hon. Gentleman always wishes to damage a good point, when he has one, by exaggeration at the end. I accept that it is unfortunate, and a pity that local education authorities that spent considerable time preparing to introduce charges from April onwards wasted their time and effort. Of course I regret that. The authorities asked to have that power and we agreed as a Government to put that into legislation. Those who wished to implement it when free to do so decided to go ahead in the hope that that legislation would come into force. I regret that that hope is no longer available to them.

Mr. Hugh Fraser: Will my right hon. and learned Friend be rather more magnanimous in defeat? It is not merely what my hon. Friend the Member for Wokingham (Mr. van Straubenzee) said: those who were led by Lord Butler in another place, and the House of Commons, have come to the conclusion—this has been admitted by the Government—that the burden should not fall upon rural areas. Surely it is up to the Government to find the £20 million or £30 million.

Mr. Carlisle: I find it difficult to know how much more magnanimous in defeat one can be than by announcing within three days that the Government accept the result of the defeat. At the request of my right hon. Friend I went to the county of which he represents a part and defended the proposals that the county council had for the imposition of charges. I hope that he will now support it, and the alternative savings that it has to make, with the same skill and venom that he used to

[Mr. Carlisle.]
 attack me on the proposed transport charges.

Mr. Ashley: Will the right hon. and learned Gentleman be rather more magnanimous and assure the House that neither children who are handicapped and receiving special education nor children who are receiving nursery education will in any way be penalised by the decision that he has announced this afternoon?

Mr. Carlisle: Every one of us in the House is concerned about the problems of handicapped children. I have made that clear on many occasions. I cannot promise what the outcome of the decision will be. The 1980-81 rate support grant and the cash limits have already been fixed. I cannot give the right hon. Gentleman an assurance about the other areas of expenditure in which local authorities may look for savings.

Sir John Eden: Will my right hon. and learned Friend follow up a couple of replies in which he very properly insisted upon a reduction in expenditure? Will he take whatever steps are open to him to ensure that the reductions fall on the ancillary and administrative arms of the service and that they do not affect the provision of education?

Mr. Carlisle: I agree with my right hon. Friend. I hope that local education authorities will consider making cuts in the areas that he specified. I regret that those authorities that intended to charge for transport will not now be able to do so. That may make it more difficult for them to achieve savings.

Mr. Harry Ewing: How can the Secretary of State pretend that he is being generous in his acceptance of the decision of the other place when what he is doing is accepting that Parliament should impose a statutory obligation on local authorities to provide free school transport? Because the Secretary of State and the Cabinet do not like or agree with the decision of Parliament, they now intend to punish local authorities and schoolchildren while pretending to accept that decision.

Mr. Carlisle: With great respect, that is not so. The hon. Gentleman misunderstands the Government's position. The Government and the Cabinet took a

clear decision about the need to reduce public expenditure by local authorities. In the light of that decision local authorities asked whether they could have freedom to regard this area as one in which net savings could be made. The fact that the will of Parliament has decided that they shall not have that freedom does not, I am afraid, go against the original decision of the Cabinet that in the national interest savings had to be made.

Mr. Mates: Is my right hon. and learned Friend aware that most of us who represent rural constituencies stood our ground, despite the protests, because the decision to enable local authorities to charge for school transport, however regrettable, was a better option than making cuts in the school room? Is he aware, further, that the Hampshire education authority has now to find almost £750,000 and that that is bound to affect the very educational standards that their lordships in their misguided wisdom were trying to protect?

Mr. Carlisle: I can only repeat what I have said on many occasions. Of course I regret the decision that has been taken, for the reasons set out by my hon. Friend.

Mr. Wigley: We welcome the decision of the Lords and the announcement of the Government's acceptance of it. Does the Secretary of State realise the chaos that now faces many local authorities a couple of weeks before the beginning of the financial year, since a major element of their budget has now been put into confusion? In these circumstances will not the Secretary of State allow, for this year at least, additional resources from central Government or at least accept that local authorities will have to increase rate demands to meet this burden?

Mr. Carlisle: I am surprised that the hon. Gentleman—coming from a Welsh seat—should ask that question, since only one local education authority in Wales proposed to make a charge. I do not think that his question is relevant.

Miss Fookes: Are we to understand that there are to be no changes in the current law? Some of us feel that the present two- and three-mile limits are arbitrary and make no reference to parental income.

Mr. Carlisle: The fact is probably often forgotten, for the reason given by my hon. Friend, that the Labour Government both in 1975 and in 1978 indicated their wish to bring in a flat rate charging system for school transport. At the moment the answer must be that we propose to bring in the necessary amendments to restore the law to its present position.

MOTIONS AND BILLS (AMENDMENTS)

Mr. Michael McGuire: On a point of order, Mr. Speaker. My point flows from yesterday's debate. I think that you will agree that days on which there are free votes in the House are essentially what might be described in parliamentary language as Back Benchers' days. I believe that yesterday's debate was intended to give a clear message to the country—particularly to our athletes—about what we, as their elected representatives in Parliament, felt about the proposal to boycott the Olympic Games.

Because the selection of amendments to motions and Bills is left entirely to your discretion, Mr. Speaker—you are not accountable to anyone, and I agree that that should be so—I seek your guidance on what is best when we have a free vote such as yesterday's. Because of the restriction on amendments—in particular yesterday's amendment tabled by the right hon. Member for Worthing (Mr. Higgins)—the consequence of the vote was that far from being free it became a party vote. Anyone who examines the record will come to that conclusion. I wish to ask you, Mr. Speaker, whether on future occasions you will consider not diluting—I say this with the greatest respect—the purpose and intent of a Back Benchers' free vote by restricting amendments unnecessarily?

Mr. Speaker: The hon. Member for Ince (Mr. McGuire) was good enough to give me notice this morning that he would seek to raise this point of order. I say to him that when ever there has been an amendment on the Order Paper in the name of the Leader of the Opposition, every one of my predecessors has thought it right to select that amendment. That is a long-established custom. As for my choosing another amendment, the House

did not give me the power to do that. There must be a motion on the Order Paper enabling me to call another amendment if it is for the purpose of a Division.

Of course I could have selected every amendment on the Order Paper since my discretion is absolute. But if I had done that only one could have been voted upon. All the amendments were discussed, but only one amendment could be voted upon according to the Standing Orders of the House under which I operate. Therefore, much as I should have liked to help the hon. Member—I understood his feelings and those of other right hon. and hon. Members—I was bound by Standing Orders.

SELECT COMMITTEES (CLERKS)

Mr. Winnick: On a point of order, Mr. Speaker. A report appeared in the newspapers today stating that the Clerk to a Select Committee had been transferred and demoted due—according to the report—to pressure from officials at the Ministry of Defence. If the report is accurate it is surely a matter of considerable concern to this House. Are senior Ministry officials able, because they dislike the attitude of a Clerk in carrying out his duties on behalf of a Committee and of the House, to say that they think that such a Clerk should be transferred to other work?

If there is any truth in the allegations in the press I hope that an investigation will take place. If the report is found to be true it is to be hoped that the Clerk concerned—a servant of this House—will be restored to his previous senior position and that his future will in no way be prejudiced when it comes to promotion. I believe that this is a very serious matter, which should be investigated.

Mr. Speaker: The hon. Member for Walsall, North (Mr. Winnick) was good enough to give me notice this morning that he would seek to raise this matter. If there were any interference by a Minister of the Crown with a Clerk doing his duty in this House it would, of course, be a serious business. The assigning of clerks to the various Select Committees does not fall within my remit. It falls within that of the Clerk of the House. Of course I shall look into this

[Mr. Speaker.]
matter and I shall write to the hon. Member. I believe that we had better leave it there for the moment.

Mr. Foot: Further to that point of order, Mr. Speaker. Will you make your statement to the House? Many of us who read the report wish your comments to be made to the House after you have deliberated.

The Chancellor of the Duchy of Lancaster and the Leader of the House of Commons (Mr. Norman St. John-Stevas): Further to that point of order, Mr. Speaker. It would be for the benefit of the House if you made it clear that the responsibility for the disposition of the Clerks has nothing to do with the Government but is to do with the management of the House.

Mr. Speaker: That is true. I thought that I had made it clear that the disposition of Clerks is the responsibility of the Clerk of the House. I do not wish to go further, other than to say that I do not mind making to the House the statement that I should have made to the hon. Member for Walsall, North. However, I believe that many of his fears will prove to be unfounded. I did not intend to go as far as that, but I shall make the statement to the House.

Mr. Bagier: On a point of order, Mr. Speaker. There is a serious mistake in the Division List published in yesterday's *Official Report*, which has caused me considerable embarrassment. There are widespread reports in the press that I supported the Government in last night's Division. I draw your attention to the fact that in col. 163 I am shown as voting in the Lobby with the Government and in col. 165 as voting with those hon. Members who disagreed with the Government. I voted in the Lobby with hon. Members who disagreed with the Government and I ask for a correction to be made in *Hansard*.

Mr. Speaker: Of course I shall ensure that the necessary correction is made. The hon. Gentleman will be recorded as having voted with the Noes.

NEW MEMBER

The following Member took and subscribed the Oath: Edward Macmillan Taylor Esq., for Southend, East.

STATUTORY INSTRUMENTS

Ordered.

That the Value Added Tax (Gold) Order 1980 (S.I. 1980, No. 303), be referred to a Standing Committee on Statutory Instruments, &c.—
[*Lord James Douglas-Hamilton.*]



Education

DEPARTMENT OF EDUCATION AND SCIENCE

ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH

TELEPHONE 01-928 9222

FROM THE SECRETARY OF STATE

PA

MS

N J Sanders Esq
Private Secretary to the Prime Minister
10 Downing Street
LONDON SW1

18 March 1980

Dear

Nick,

Following the decision taken at Cabinet this morning I attach a final version of the oral Statement on the provision of school transport in England, Scotland and Wales which my Secretary of State will make in the House this afternoon.

Yours ever

Robert Green

R J GREEN
Private Secretary

STATEMENT ON SCHOOL TRANSPORT PROVISION IN ENGLAND, SCOTLAND AND WALES

MR MARK CARLISLE

With permission, Mr Speaker, I wish to make a statement on school transport provision in England, Scotland and Wales

As the House will know, decisions were taken last week in another place to delete Clauses 23 and 25 of the Education (No 2) Bill. These Clauses sought to empower local education authorities in England and Wales and education authorities in Scotland to charge for providing school transport. The Government have now had an opportunity to consider the situation and have decided it would not be right to seek to reintroduce the Clauses. Such consequential changes to the Bill as are necessary to give effect to this decision will be tabled as amendments for consideration at Report Stage in another place.

As the House will also know, the Government decided last year that it was necessary for local authorities to reduce public expenditure and the Rate Support Grant Settlements for 1980-81 were made accordingly. It was the request of the Association of County Councils that, in making these reductions, local education authorities in England and Wales should be free, if they wished, to introduce charges for providing school transport. In view of the decision in another place last week, and the Government's acceptance of that decision, the option to charge is no longer open to local authorities. But this in no way removes the obligation on local authorities to achieve the needed reductions in expenditure in some other way.

CONFIDENTIAL

PRIME MINISTER

The Education (No.2) Bill: School Transport

BACKGROUND

The Secretary of State for Education and Science wishes to raise orally the action to be taken following the defeat of the Government in the House of Lords on the school transport clause in the Bill.

2. On the Bill itself, I understand that you have agreed with the Secretary of State that the clause authorising local authorities to make charges for school transport cannot be reinstated.

3. There is, as you know, pressure in the House for the Secretary of State to make an oral statement as soon as possible about the Government's intentions. He is to circulate a draft statement later this evening. It will need to make clear the position about local authority current spending in 1980-81 (of which 70 per cent is on education). The allocation of Rate Support Grant for 1980-81 took account of the likely savings.

4. There remains the question of expenditure and savings in later years. It will be necessary to decide at least on a form of words to be used on Budget Day, when the Public Expenditure White Paper is published containing a reference to savings on school transport.

HANDLING

5. After the Secretary of State for Education and Science has spoken, you will want to know whether the Cabinet agrees the oral statement he is proposing to make. In particular, is the Chief Secretary content with the reference to public expenditure next year?

6. On later years, the Cabinet could decide to seek the necessary savings elsewhere in local authority expenditure, or to leave the question for further examination during the 1980 Public Expenditure Review. The Secretary of State for Education and Science and the Chief Secretary might be asked to agree the lines of a further statement to be made in the Budget context, in consultation with the Secretaries of State for Scotland, for Wales and for the Environment - and taking into account the Cabinet's guidance.

CONFIDENTIAL



CONFIDENTIAL

CONCLUSIONS

7. You will wish the Cabinet to agree:-
- (a) the text of the oral statement to be made by the Secretary of State for Education and Science;
 - (b) when the statement should be made, possibly as early as tomorrow afternoon;
 - (c) the preparation of a further statement about expenditure and savings in later years, to be made in the Budget debate.

(Robert Armstrong)

*(approved by Sir R Armstrong
and signed in his absence)*

17th March 1980

CONFIDENTIAL

PRIME MINISTER

As you know I am proposing to raise orally in Cabinet tomorrow the question of the steps the Government should take following the defeat of Clauses 23 and 25 of the Education (No 2) Bill in the House of Lords last Thursday.

A further question arises as to how any decision that we take should be announced. It is important that we should announce our intention as soon as possible and, since the Opposition have tabled three Private Notice Questions and made an application for a debate under Standing Order 9, my colleagues may feel that the best method would be by an oral statement made in both Houses tomorrow afternoon.

If the decision should be not to attempt to reintroduce the clauses and that I should make an announcement to the House I attach a possible draft of such a statement.

I am copying this minute to each member of the Cabinet and to Sir Robert Armstrong.

M.C.

MARK CARLISLE
17 March 1980

DRAFT STATEMENT: SCHOOL TRANSPORT

As the House will know, a decision was taken last week in another place to delete Clauses 23 and 25 of the Education (No 2) Bill. These Clauses sought to empower local education authorities to charge for providing school transport. The Government has now had an opportunity to consider the situation and has decided it would not be right to seek to reintroduce the Clauses. Such consequential changes to the Bill as are necessary to give effect to this decision will be tabled as amendments for consideration at Report Stage.

As the House will also know, the Government decided last year that it was necessary for local authorities to reduce public expenditure and the Rate Support Grant Settlement for 1980-81 was made accordingly. It was the request of the Association of County Councils that, in making these reductions, local education authorities should be free, if they wished, to introduce charges for providing school transport. In view of the decision in another place last week, and the Government's acceptance of that decision, the option to charge is no longer open to local authorities. But this in no way removes the obligation on local authorities to achieve the needed reductions in expenditure in some other way.



*From the Government Chief Whip
House of Lords*

2
Prime Minister

ABJ
Duty Clerk
17.3.80

17th March 1980

PRIME MINISTER

EDUCATION (NO.2) BILL
SCHOOL TRANSPORT

MT

I feel that I should make some comment on the Government defeat in the House of Lords last Thursday, the reasons behind this and the implications for the future.

The vote was composed in the following way. For the Government, 112, made up of 105 Conservative Peers and 7 Cross-Bench Peers. Against the Government, 216, made up of 46 Conservative Peers, 46 Cross-Bench Peers, 26 Liberals and 98 Labour Peers. 5 Roman Catholics voted with the Government (3 of them Cross-Benchers) and 26 voted against (14 of them Cross-Bench, 11 Conservative). The general turn-out was high. The Labour Party can seldom produce as many as a hundred votes from their own benches. The Liberal vote was also unusually high and was, without exception, against the Government. As for the Conservatives, the attendance was on the high side for a strong two-line Whip. The Cross-Bench vote was the key element in the defeat. Recent research suggests that more than three-quarters of the Cross-Benchers support the Conservative Party in the Division Lobby for something like three-quarters of the time. Of the 105 Conservative Peers who supported the Government, I estimate that approximately half voted out of loyalty and not from conviction. The Whip is sent to a total of 438 Peers, many of whom seldom if ever attend the House. The Conservative vote against the Government was unusually high but was not critical. The clause would have been lost even if the 46 who voted against the Government had voted with us. This was very much as we had predicted.

Those Conservatives and Conservative-minded Cross-Benchers who voted against the Government were motivated not so much by the Duke of Norfolk's main issue of the Denominational Schools nor by suggestions that undertakings arising from the 1944 Act were broken, although both these were factors and Lord Butler's intervention had a significant effect on the size of the defeat. Far more important was the view that at the recent closure of village schools, undertakings were given that free transport to alternative schools would be provided. Allied to this belief was the strong feeling that parents in the countryside were being penalised while those who lived in towns and cities were not.

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*From the Government Chief Whip
House of Lords*

Had it been possible to identify in advance the 46 Conservative Peers in order to apply pressure to persuade them not to vote against the Government, a large proportion would have done so in any case, whereas most of the others would have stayed away from the House rather than vote with the Government on this issue and would not therefore have been available to vote in other divisions. Similarly, any attempt to inflate the numbers for that particular division, by the issue of a three-line Whip or direct lobbying by telephone, would have put at risk the attendance on the other three days of Committee, notably throughout Tuesday night. In addition, some who were absent had stayed away deliberately because they did not wish to vote with the Opposition.

It is important to see the vote on school transport in the context of the other divisions on the Bill. The Government maintained a steady and strong majority on the previous 20 divisions, of which 6 took place between midnight and 7.00 am during the all-night sitting.

The vote dispels two myths. The first is that the Conservative Party has a built-in majority in the House of Lords. We do have a majority for most purposes, but it can be undermined, as it was in this case, by a combination of Cross-Bench and Liberal voting. The second myth is that there are large numbers of "backwoodsmen" who come in to vote occasionally. The Conservatives who voted against the Government on Thursday were not backwoodsmen but regular attenders.

The conclusion to be drawn is that the Government cannot assume that it can invariably vote through all its legislation. Occasional defeats on substantive points of policy can be expected because the House regards itself as a revising chamber and on occasion will assert its right to behave as such. In this context, I am concerned by the evidence appearing in the Press indicating serious opposition amongst Conservative local authorities to the block grant proposals. There are a large number of Conservative Peers with local authority connections and the Government should not rule out the possibility of a defeat on the issue of the block grant. As the Acting Leader indicated when he wrote to you on 29th February, it is also not possible to predict how the voting will stand up during the summer, as I will be issuing strong Whips with a regularity not previously attempted.

I am copying this minute to the Secretary of State for Education and Science and the Chief Whip.

Denham

MR. WHITMORE

HW
14/3

School Transport

After discussions with the Cabinet Office and the Treasury, the DES have decided to raise school transport orally on Tuesday. They say that they cannot get a paper ready in time, and everybody else has accepted that.

They have given up the idea, which they floated at one stage, of raising it twice next week - on Tuesday and again on Thursday. Mark Carlisle will come on Tuesday ready to talk about presentation of the announcement of the withdrawal of the class, the consequence for 1980-81 (which may well turn out to be for the authorities concerned themselves to decide), and longer term financial consequences (which he hopes Cabinet will remit to the DES and the Treasury for discussion).

We ought also to talk on Tuesday about what we can say about the relevant passages in the Public Expenditure White Paper, which has gone to press with a large saving for transport including in the calculations - but lost in an even larger saving before transport and meals and milk taken together.

NJS

14 March 1980

Published Papers

The following published paper(s) enclosed on this file have been removed and destroyed. Copies may be found elsewhere in The National Archives.

House of Lords Hansard, 13 March 1980, columns 1206-1317
'Education (No.2) Bill'

Signed *Wayland* Date 22 October 2016

PREM Records Team

PRIME MINISTER

PARLIAMENTARY AFFAIRS

There are two matters which I think ought to be discussed after we have dealt with next week's business:

(i) The votes in the House on Members' expense allowances and severance pay and secretaries' pensions; — See minute behind from the

Chancellor of the Duchy. Ray A

(ii) The prospects for the school transport provisions of the Education (No. 2) Bill.

You might ask the Chancellor of the Duchy to comment on the implications of the votes on Members' allowances. He will of course say that the Government has to accept the will of the House, and I take it that your colleagues will agree.

On school transport, you might ask the Secretary of State for Education to outline the position. He will say that he intends to table an amendment in the Lords restricting the right to charge to the first two children in any family, but does not think that this will be enough to carry the day. If the provisions are defeated, he proposes to accept that decision and not to seek to reinstate them in the Commons. The RSG for 1980-81 has been allocated on the assumption that there will be a saving of £20 m. and Mr. Carlisle will say that LEAs will have to find that by other means. The savings in subsequent years (£35 m. in 1981/82, £45 m. in 1982/83 and £50 m. in 1983/84 - all for England and Wales only) will have to be the subject of further negotiations.

You might like to ask Earl Ferrers to comment on the prospects in the Lords, and the Chief Whip and Chancellor of the Duchy on the possibility of seeking to reinstate the Clause in the Commons. The Chief Secretary will want to put in a view on the public expenditure implications. You might remit the issue to the Treasury and the DES for further discussions.

Other matters

There are two other matters which I suggest should not be discussed tomorrow. The first is the congestion which lies ahead in the House of Lords. You will remember that Lord Ferrers minuted you about the problem. With your agreement, I asked that Ministers with points to raise should put them direct to Lord Ferrers, and this process is still going on. Cabinet can consider the shape of the programme when those discussions have been completed. I attach a further minute from the Lord Chancellor about the Contempt of Court Bill; you will see that it is to be discussed in Legislation Committee next week.

Finally, I see no need to discuss the Abortion Bill in Cabinet. I have minuted you separately about the state of play on it.

MS

5 March 1980

Original in GR



J.M. 111

e DES

Education

10 DOWNING STREET

THE PRIME MINISTER

3 March 1980

C.F. to note

Dear Cardinal Hume,

You wrote to me on 11 February to express again the concern felt by Catholics about the proposed changes in the law on school transport. You have left me in no doubt about the strength of your views.

Under the present arrangements, a small proportion of pupils, most of whom are attending the nearest available maintained school, are completely protected from the rising cost of travel. By contrast, the majority of families including, I imagine, the majority of Catholic families, have no help from the local authority with any travelling expenses which they may incur. This has been the cause of widespread complaint for many years and has led to demands for changes in the law. In these circumstances the Government think it reasonable that the minority of parents who today get free transport should be asked to contribute towards the cost of getting their children to school. I accept that this changes what the Government decided in 1944, but the circumstances now are rather different.

I am more concerned about the possibility that LEAs might discontinue transport arrangements for pupils attending schools that are not the nearest available maintained school. But it would be impossible to freeze the present position because of the variation in the way individual LEAs use their existing powers. We believe that a relaxation of the inflexible requirement that arranged transport must be provided free will enable LEAs to continue with their present arrangements. The action by Oxfordshire

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shows what can happen if the law is not changed; it is less likely to happen if LEAs are permitted to charge.

I can assure you that much thought has gone into this question, and Mark Carlisle is aware of the statements made in 1944. The decision to advocate local discretion rather than central control was not lightly taken. It is therefore encouraging to see that many local education authorities have been modifying their original proposals in response to public opinion. Even Oxfordshire could change; the County Council doubted that the power to charge would be approved by Parliament but, if it is proved wrong, it will have little excuse to go ahead in September 1981 with its proposed policy since it would have plenty of time to work out more equitable arrangements that will preserve an element of subsidy for Catholics whose children attend a distant school.

The purpose of Mark Carlisle's amendments to the Education Bill was to ensure that where authorities do decide to charge they should not be able to discriminate against children attending any particular kind of school, and should not, by charging a distance-related rate, impose an undue burden on those with long distances to travel.

I realise that this approach gives a large degree of discretion over charging to local authorities; but we feel that such a scheme is more likely to provide a lasting solution that preserves the dual system of education than either to leave things as they are at a time of acute financial difficulty, or to introduce legislation that relies on detailed control from the centre.

Yours sincerely
Raymond Doherty

His Eminence the Cardinal Archbishop of Westminster



10 DOWNING STREET

From the Private Secretary

6 February 1980

The Prime Minister has considered the Secretary of State for Education's minute of 5 February, about amendments to the Education Bill to limit the power of LEAs to make flat rate charges for transport.

She has noted the approach which Mr. Carlisle intends to adopt, and she is content to leave this to his judgment.

I am sending copies of this letter to David Edmonds (Department of the Environment), Godfrey Robson (Scottish Office), George Craig (Welsh Office), John Stevens (Office of the Chancellor of the Duchy of Lancaster), Alistair Pirie (Chief Secretary's Office) and Murdo Maclean (Chief Whip's Office).

M. A. PATTISON

Peter Shaw, Esq.,
Department of Education and Science.

NS

PRIME MINISTER

I have been giving further thought to the possibility of making some amendment to the provisions on charging for Transport in the Education Bill as a result of the many representations that we have received about the clause from some of our back benchers and this afternoon I had a meeting with the Secretary of State for Scotland, the Secretary of State for Wales and the Leader of the House as well as representatives of the Chief Whip, the Chief Secretary and the Secretary of State for the Environment. We have all agreed that amendments should be tabled which would limit the power of Local Education Authorities to making "flat-rate" charges for transport without in any way specifying what that flat-rate should be.

I am particularly anxious to avoid placing any unnecessary restrictions on LEA freedom of action or, indeed, to relieve them of the responsibility for determining their own charging policies in the light of local circumstances. Nor do we want to amend the Bill in such a way as to prevent local authorities from making the savings on school transport to which we agreed in the recent public expenditure review. For that reason I am convinced that we should resist any amendment aimed at limiting the amount of any charge or limiting by statute the number of children in any family in respect of whom charges could be made. That is a matter best left to local decision guided where appropriate by ministerial speeches as to the type of sensible policies most Local Education Authorities are adopting.

The amendment we propose however would simply provide that charges made should be at a uniform rate or at different uniform rates for pupils of different ages - uniform rates being defined as not depending on the length of the journey or in the type of school attended. I believe that this will go a long way to meet the concerns expressed by many of our back-benchers about the possibility of LEA discrimination against Catholics in their charging policy or the imposition of an unduly harsh burden on people living in rural areas, without unduly restricting the LEAs in making the much needed savings in this area. I also have reason to believe that an amendment of this nature would be welcomed as sensible by the Conservative Leaders in the Local Authority Association.

I hope that this will be as far as we need go. I am seeing the back bench committee tomorrow afternoon and it is our intention that the amendments be tabled tomorrow evening.

Copies of this minute go to the Secretary of State for Environment, the Secretary of State for Scotland, the Secretary of State for Wales, the Leader of the House, the Chief Secretary and the Chief Whip.

PASlow

PP MARK CARLISLE

(Dictated by the Secretary of State and signed in his absence)

5 February 1980

I leave it to SPS's judgment.

MS

— 3 Educ. (Sept 79) 'Roads to school'

● Extract from a letter (A.W.) to Chancellor of Duchy of Lancaster

Education

31.1.80

Subject copy filed on National Health (June 79) 'Corrie Bill on Abortion'

- 2 -

School Transport Charges

The Chancellor of the Duchy of Lancaster said that in considering the Catholic reaction to any failure of Mr. Corrie's Bill to get through, the Government should bear in mind that the Catholic community was in a fever about the proposed charges for school transport. Catholic children would be disproportionately subject to the charges because, over the country as a whole, they had to travel further to get to Catholic schools than did the non-Catholic school population to go to non-denominational schools. But it was the case that dissatisfaction with the new charges went wider than the Catholic community: the rural population generally were opposed to them, and the Government was losing the propaganda battle about them.

The Prime Minister said that it was a mistake to link Mr. Corrie's Bill with the issue of charges for school transport. As regards the latter, she believed that the controversy would die down before long. Local authorities were sensitive to local feeling, and Catholics and other sections of the community would be re-assured when they saw what was actually done. There was no obligation on local authorities to make savings on school transport and it was open to them to make economies elsewhere in their programmes if they so wished. In any case, even if a saving of £20 million was made, some £100 million would continue to be spent on school transport.

→ Educ. (Sept 79) 'Heals transport'

Extract from a letter (AW) to Chancellor of Duchy of Lancaster

31. 1. 80

Education

Subject copy filed on National Health (June 79) 'Corrie Bill on Abortion!'

- 2 -

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Original in G/R

Education

CF to nse

10 DOWNING STREET

THE PRIME MINISTER

24 January, 1980.

Dear Tony,

Thank you for your letter of 20 December, 1979, about school transport.

As you know, the background to the Government's proposals to amend the law in this area is the urgent need to cut public expenditure, as part of the fight against inflation. The education service must make its contribution, but must at the same time safeguard the standard of teaching in the classroom. This can only be done if the rapid increase over recent years in spending on non-teaching services such as school transport, which alone is now costing over £125 million annually, is reduced. When Mark Carlisle discussed these problems with local education authority representatives in June and July of last year, they agreed that teaching and the classroom should be protected and, in order to help them do so, they asked that authorities be given power to make some charge for providing home-to-school transport. At present the authorities have to provide it free or not at all.

Under the proposals for new legislation, the present powers of authorities to assist parents with the cost of getting their children to school will be unchanged. They will still be able to arrange for transport or passes to be provided, but in future they will be able, if they wish, to charge for doing so. It will be open to them to decide what form of charging to adopt - a flat-rate charge is the most obvious choice - and in what circumstances the normal charge may be relaxed.

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The authorities have been asked to use their new powers to reduce their spending on school transport next year by £20 million, so there will still be a large subsidy from the ratepayer and taxpayer, even after account is taken of the additional cost of administering a charge scheme.

I am sure that you will already have been in touch with the LEA about the particular problem in your constituency* Of course we look to local authorities to make sensible decisions in the best interests of the people living in their areas.

Yours ever,

(SGD) MT

* If not, I hope you will do so.

Tony Marlow, Esq., M.P.

Original
L G K



JD
Education

cc DES

10 DOWNING STREET

THE PRIME MINISTER

14 January 1980

My dear Alastair,

Thank you for your letter of 14 December about school transport.

The background to the Government's proposals to amend the law on school transport is the urgent need to cut public expenditure, as part of the fight against inflation. The education service must make its contribution, but must at the same time safeguard the standard of teaching in the classroom. This can only be done if the rapid increase over recent years in spending on non-teaching services, such as school transport, which alone is now costing over £125 million annually, is reduced. When Mark Carlisle discussed these problems with local education authority representatives in June and July of last year, they agreed that teaching and the classroom should be protected and, in order to help them do so, they asked that authorities be given power to make some charge for providing home-to-school transport. At present the authorities have to provide it free or not at all.

Under the proposals for new legislation, the present powers of authorities to assist parents with the cost of getting their children to school will be unchanged. They will still be able to arrange for transport or passes to be provided, but in future they will be able, if they wish, to charge for doing so.

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JS

It will be open to them to decide what form of charging to adopt - a flat-rate charge is the most obvious choice - and in what circumstances the normal charge may be relaxed. They will in fact be required to remit the charge for transport provided for a child who attends his nearest suitable school, whose journey exceeds the statutory walking distance (2 miles for a child under 8 years of age, and 3 miles for an older child) and whose parents are in receipt of supplementary benefits or family income supplement. The authorities have been asked to use these powers to reduce their spending on school transport next year by £20 million, so there will still be a large subsidy from the ratepayer and taxpayer, even after account is taken of the additional cost of administering a charging scheme.

As you know, local education authorities are not required by the present law to provide free transport to a school which is not the nearest appropriate one to a child's home. The fact that they have done so in many cases where children attend a Church school - I understand that they rarely do so where parents choose an alternative school on other than denominational grounds - is a sign of their belief in the importance of the dual system of education. The Government sees no reason to be afraid that, if authorities are allowed to charge, they will in general change their attitudes on this, or charge different rates according to whether children attend Church schools or county schools. The new proposals could in fact help them to continue to give help where, without the power to ask the parents to make a contribution, they might be forced to look for ways of cutting out the assistance entirely as the only way of saving money.

It is certainly not the Government's intention to do anything which could be regarded as discriminating against

/ the

the Roman Catholic community, but equally we do not think that it would be right to give Roman Catholic parents privileges, in the form of continued free provision of school transport, which other parents would not be able to enjoy.

I very much regret the additional burden which charging would impose on some families, but given our economic situation, there is an overwhelming case for concentrating the available educational resources on the essential function of teaching.

Yours sincerely

Augustus Dainton

The Right Reverend the Abbot of Downside



file B
Education

10 DOWNING STREET

From the Private Secretary

13 December 1979

The Prime Minister has seen the Secretary of State for Education's minute of 12 December about the arrangements for the announcement and implementation of the increase in the school meal charge.

She is content with the timetable set out in Mr. Carlisle's minute.

I am sending copies of this letter to David Edmonds (DOE), Godfrey Robson (Scottish Office), George Craig (Welsh Office), Don Brereton (DHSS), John Stevens (Chancellor of the Duchy's Office), Alistair Pirie (Chief Secretary's Office), Murdo Maclean (Chief Whip's Office) and Martin Vile (Cabinet Office).

M. A. PATTISON

Peter Shaw, Esq.,
Department of Education and Science.

KRD

PRIME MINISTER

6.

Mr Carlisle intends to announce the school meals increase next Wednesday, making it effective February 4th. Chief Whip and leader of the House are happy.

PRIME MINISTER

SCHOOL MEALS CHARGE

Yes Mr

Agree?

MA 12/80

I understand you would much prefer that an announcement of the increase in the school meal charge should not be made this week. I fully share your view. I have discussed with George Younger and Nick Edwards the arrangements for the announcement and implementation of the increase in the charge.

It is our intention to lay the amending regulations before Parliament and to make the announcement of the increase on Wednesday 19 December. To make the announcement on Monday or Tuesday of next week would give the Opposition an excuse to delay proceedings in Committee on the Education Bill and we cannot afford the delay. An operational consequence of not making the announcement this week is that local education authorities will not now have the time to revise their procedures and inform their schools before they have started to close for the Christmas break. As there could be confusion and muddle which would reflect discredit on the Government if schools and parents are not told a reasonable time in advance of the increase, it is our intention that the date for the new charge to come into operation would be Monday 4 February.

I am sending copies of this minute to Michael Heseltine, George Younger, Nick Edwards, Patrick Jenkins, Norman St John Stevas, John Biffen, Michael Joplin, and Sir Robert Armstrong.

M.C.

MARK CARLISLE
12 December 1979



Education ✓ MAP.

PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

Chancellor of the Duchy of Lancaster

11 December 1979

Dear Mike

The Chancellor of the Duchy has seen your letter of 6 December to Peter Shaw about the increase in school meal charges, and has commented that he agrees with the Prime Minister's preference for an announcement in the week beginning 17 December. At all events he thinks that an announcement before 13 December would be most unwise.

I am copying this letter to the recipients of yours.

Yours sincerely

MISS PETRA LAIDLAW
Private Secretary

M Pattison Esq
PS/Prime Minister
10 Downing Street



cc. DES 4/2
IA Education LPO

Original G/R

CF to NDE

10 DOWNING STREET.

THE PRIME MINISTER

7 December, 1979.

Dear Ted,

Thank you for your letter of 26 November enclosing a sample of the letters you have received about the school transport provisions of the Education Bill.

I know that the Churches are concerned about the Government's proposal to enable local education authorities to charge for the home to school transport that at present they are statutorily required to provide free. However, it is not our intention nor is there any reason to suppose that the effect of the Bill will be that the Roman Catholic community would be penalised for choosing to send their children to their own Voluntary schools. In particular, local education authorities' powers to assist parents to get their children to school will remain unchanged.

The main reason for the proposed change, which will affect more children who attend non-denominational schools than those who attend Roman Catholic schools, is to help to safeguard the provision of education in the classroom, given the urgent need to contain the growth of public expenditure. The reduction in expenditure on school transport that we think local education authorities could reasonably achieve in 1980-81 is about £20 million on a total forecast subsidy under present policies of about £125 million. If authorities were to adopt a policy of flat rate charges, the average charge would be less than the amount that many families, including Roman Catholic families, already have to pay (because they live within walking distance of

/their schools)

their schools) and it would still leave a very substantial subsidy from local education authorities on home to school travel costs.

There does however seem to be much misunderstanding about the Government's intentions and about the implications of the Bill, and I hope these comments will help you reply to your constituents.

Yours ever,

(sgd) MT

Edward Gardner, Esq., Q.C., M.P.

CONFIDENTIAL



10 DOWNING STREET

From the Private Secretary

6 December, 1979.

The Prime Minister has seen the Secretary of State for Education's minute of 4 December, in which he proposes a 5p increase in school meal prices, to take effect in January.

The Prime Minister accepts that this increase is necessary. I have discussed with you timing of the announcement of the increase. The Prime Minister has concluded that she would much prefer this to be in the week beginning 17 December. If this seems to present difficulties, let us have a word about it.

I am sending copies of this letter to David Edmonds (Department of the Environment), Godfrey Robson (Scottish Office), George Craig (Welsh Office), Don Brereton (Department of Health and Social Security), John Stevens (Office of the Chancellor of the Duchy of Lancaster), Alastair Pirie (Office of the Chief Secretary, HM Treasury), Murdo MacLean (Chief Whip's Office), and Martin Vile (Cabinet Office).

M. A. PATTISON

Peter Shaw, Esq.,
Department of Education and Science.

CONFIDENTIAL



CONFIDENTIAL

PRIME MINISTER

Mr Carisle and colleagues have concluded that a 5p school meal increase is necessary in January. He foresees some political problems, especially in view of the inability to debate it in the House before Christmas (para 4.) Agree? see by action?

PRIME MINISTER

SCHOOL MEAL CHARGE

Yes orb

1. Following your suggestion I have now completed consultations with colleagues about the various alternatives on the timing of price increases for school meals. If local authorities are to achieve the required reduction of £220 million in their expenditure on school meals in 1980-81, they will have both to make changes in the form of the meal and to charge a price which, over 1980-81 as a whole, is some 10p to 20p above the present level. The authorities are keen to move towards the higher price with a 10p increase in January. Although John Biffen initially preferred a 10p increase too, the outcome of our consideration was a consensus that a 5p increase in January would be the right decision.

2. We were persuaded by the following arguments:

- a. As indicated, the local authorities (in England and Wales) have been pressing strongly for a January increase. They regard it as a test of whether the Government will support them in making the substantial savings that are required on school meals in 1980-81.
- b. A modest increase in the charge in January followed by a likely increase in April has a less disruptive effect on the take-up of school meals than a single substantial increase in April. Therefore in the interest of making economies on the subsidy to the school meal service there should be staged increases to avoid the damaging effect on take-up of a substantial increase at the beginning of the Summer Term.
- c. A January increase would give LEAs a firmer basis on which to decide their budgets and rate demands. For example Michael Heseltine was of the view that an increase of 10p in the school meal charge in January could mean 1p less on the rates for next year.
- d. With the important local elections in May we should minimise the possibility of local authorities having to impose a significant increase in the price of the meal in April.
- e. John Biffen took the view that January was likely to be a better time for a price increase than April when, for example, there is likely to be a substantial increase in local rates. (An increase of 5p on the charge is estimated to add 0.05 per cent to the RPI in January 1980.)

CONFIDENTIAL

CONFIDENTIAL

- f. Although we judge that a 5p increase in January would be politically acceptable, a 10p increase on the present price of 30p could have a damaging effect on the image of the Government, and on the need to obtain the speedy implementation of the Education No 2 Bill.
3. To give effect to an increase in the charge, the Secretary of State has to lay appropriate amending regulations before Parliament, where they would be subject to the negative resolution procedure. It would be helpful for LEAs to be told of an increase as soon as possible so that schools and parents could be told before the end of the current term. It is not envisaged that any change would be made to the present rules of entitlement to free school meals.
4. A decision to have a small increase in the charge in January would of course be attacked by the Opposition; the regulations would almost certainly be prayed against, and the Leader of the House tells me that there is unlikely to be any opportunity for a debate before Christmas. The regulations would therefore have to come into operation before the House had had a chance to debate them. This order of events is not without precedent, but it is bound to add to the criticism of the increase.
5. None of this should have any material effect on the progress of the Education (No 2) Bill in Committee; it remains a prerequisite for attaining the expenditure reductions in 1980-81 that the Bill should be law before the start of the next financial year. It is not possible within the law as it stands to give LEAs the power to determine their own charging policies, but if Royal Assent did seem likely to be delayed, consideration would need to be given in the New Year to the possibility of a further increase in the charge with effect from April, to bring it up to 40p, and to relax the statutory requirement that the school meal should be "suitable in all respects as the main meal of the day". Norman St John Stevas and Michael Jopling have said they will do everything they can to get the Bill through Parliament by the end of March: therefore we hope it will not be necessary to bring in these contingency arrangements.
6. Subject to your agreement, I and my Scottish and Welsh colleagues will make the amending regulations as soon as possible.
7. I am sending copies of this minute to colleagues I have consulted (Michael Heseltine, George Younger, Nicholas Edwards, Patrick Jenkin, Norman St John-Stevas, John Biffen, Michael Jopling) and to Sir Robert Armstrong.

R. Green

p.p. MARK CARLISLE

(Approved by the Secretary of State and signed in his absence.)

CONFIDENTIAL

4 December 1979

CC DES

Original
in GPR



10 DOWNING STREET

3 December 1979

CF
TO ADE

THE PRIME MINISTER

Your Eminence,

Thank you for your letter of 16 November. I should be very concerned indeed if you or any of your colleagues felt that the Government proposals on school transport implied any weakening of the desire on our part to maintain the constructive and friendly relationship with the Churches, including the Roman Catholic Church, which we have enjoyed in the past. It is certainly not our intention to do anything which could be regarded as 'penalising' Roman Catholic families. In order to dispel any misunderstanding I think you might find it useful to have a talk personally with Mark Carlisle; his office will be in touch with yours to extend the invitation.

XXI Meanwhile I would only make the following further comment. The powers of local education authorities to assist parents to get their children to school will be unchanged, and the saving we are seeking amounts to no more than £20 million on a forecast expenditure of £125 million by 1980-81. A big subsidy will remain and I have no reason to think that local education authorities will be any less sympathetic to genuine denominational preferences than in the past.

Your sincerely
Margaret Thatcher

His Eminence the Cardinal Archbishop of Westminster

100
V2

PRIME MINISTER



As agreed, Mr Carlisle is sounding colleagues on timing for school meal charge increases. He favours no change before April.

DEPARTMENT OF EDUCATION AND SCIENCE
ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH
TELEPHONE 01-928 9222
FROM THE SECRETARY OF STATE

*Education
M.P.
11/11*

The Rt Hon George Younger MP
Secretary of State for Scotland
Scottish Office
Dover House
Whitehall
London SW1A 2AU

12. November 1979

Dear George,

At the meeting Michael Roberts and I had with the Association of County Councils and the Association of Metropolitan Authorities on 3 October both organisations reaffirmed their support for our strategy of seeking the major economies that we require next year in education expenditure from the provision of meals, milk and transport. But it was clear from that discussion that the task facing the local authorities in securing a halving of expenditure on the meals service next year is formidable. In expressing doubts about their ability to achieve the full savings - doubts which I myself foresaw when the question of expenditure cuts was discussed in July in MISC 11 - the associations emphasised to us the need to have new legislation on the Statute Book before the beginning of the new financial year. In addition, since to halve net expenditure it would be necessary for them both to reduce gross expenditure and to increase revenue, they urged upon us the need for an increase in the charge in January 1980.

I raised this with the Prime Minister last month and she suggested that I should consult colleagues about the various alternatives on the timing of price increases and other measures which might be taken towards achieving the required reduction of expenditure next year. The Prime Minister did not rule out the possibility of a January increase in the charge but did not endorse it either. She was concerned that LEAs should not be relieved of the responsibility for charge increases by our taking action which would enable them to put all the responsibility on central government.

It is implicit in the assumptions for the target savings in net expenditure in 1980-81 (£200 million in England and Wales and £20 million in Scotland) that the average charge for the

meal taken over the year as a whole should be 10 to 20p above the present level of 30p. The Associations would therefore like to move towards this with a 10p increase in January, on the grounds that the resulting fall in the number of pupils paying for a meal would be less in the spring term than would be the case in the summer term. There is some truth in this argument, but in my view a 10p increase in January is a non-starter for political reasons.

The alternatives seem to me to be either to increase the charge in January by 5p, to 35p, with a further 5p increase in April if the Bill has not by then received Royal Assent; or to do nothing in January, but to be prepared to increase the charge by 10p in April if Royal Assent is delayed. Either alternative is open to objections.

The balance of advantage seems to me to be against any increase in January as:

- a. The increase would take place at the time of the major public sector pay negotiations.
- b. The LEAs have asked for freedom to decide what to provide and what to charge: the intention of the Bill is to provide them with that freedom: if there was an increase it would appear to be an acknowledgement that the Bill would not receive Royal Assent by 1 April and a partial withdrawal from the aim of giving authorities full discretion.
- c. A 2-stage increase would produce a 2-stage public reaction.
- d. An increase in the meal price from January would mean fairly short notice and might give the impression of a hasty decision.

Therefore my conclusion is that we do not increase the school price in January but consider early in the New Year, if progress on the Bill is slow, what steps should be taken in April.

If Royal Assent seems likely to be delayed, I would expect to recommend an increase in the charge from April and a simultaneous relaxation of the duty to provide a meal. (Under present regulations, LEAs in England and Wales are required to provide as a mid-day dinner "a meal suitable in all respects as the main meal of the day", and to make a set charge for doing so. If, at the same time as the regulations were amended to increase the charge, the words I quoted were deleted, this would leave authorities free to provide a simpler meal at the set charge). These 2 amendments would go about as far as we can under current legislation to provide a statutory basis for the changes LEAs would have to make in the service. They, alone, would however not enable the full savings to be achieved in 1980-81, as LEAs will not be able to determine their own charging policies until the Bill receives Royal Assent.

I would welcome your views as well as those of Nicholas Edwards, John Biffen and Patrick Jenkin. In addition I am copying the letter to Norman St John-Stevas and Michael Jopling because of the importance of the Bill receiving Royal Assent before the end of this financial year. The Prime Minister wishes to know the outcome of the consultation.

James Evans

Mark

MARK CARLISLE



(Education) ^{MAN}

DEPARTMENT OF HEALTH & SOCIAL SECURITY

Alexander Fleming House, Elephant & Castle, London SE1 6BY

Telephone 01-407 5522

From the Secretary of State for Social Services

Mike Pattison Esq
Private Secretary
10 Downing Street
London SW1

2 November 1979

Dear Mike

You asked me yesterday about the basis for the figures in the illustrative examples annexed to our briefing on school meals etc and the poverty trap. I am told that the gross earnings figures were chosen so as to be

in May 1979 just below the FIS income limits. FIS therefore payable and school meals and transport free on "passport" basis;

in May 1980 just above the FIS income limits: no FIS payable.

The FIS income limits have gone up by over 20 per cent between May 1979 and May 1980: hence the over 20 per cent differences between the earnings levels chosen for those dates in the examples.

I attach a further couple of examples in which the gross earnings figures in both May 1979 and May 1980 are just above the FIS income limits; and the May 1980 earnings reflect a pay rise of about 16 per cent. Though not entitled to FIS, these families would have been entitled to claim free school meals in May 1979.

I hope this is helpful.

B C Merkel

B C MERKEL
Private Secretary

encl

Further illustrative examples, A and B, of poverty trap effects
if free school meals and transport restricted to those on SB and FIS

(Note: The Education Bill requires local authorities to make "such (free) provision as appears to (them) to be requisite" for SB and FIS families).

A. Married couple with 2 children of school age

	<u>May 1979</u>		<u>May 1980</u>
		Before paying for school meals and transport	After paying for school meals and transport
Earnings	£55	£64	£64
Net income	£45.53	<u>£52.27</u>	<u>£44.77</u>
SB	£35.85	£42.20	£42.20

B. Married couple with 3 children of school age

	<u>May 1979</u>		<u>May 1980</u>
		Before paying for school meals and transport	After paying for school meals and transport
Earnings	£60	£70	£70
Net income	£52.16	<u>£59.55</u>	<u>£48.30</u>
SB	£42.40	£49.90	£49.90

Notes

Net income = income after deducting housing costs plus (where entitled) value of free school meals and transport

SB = supplementary benefit entitlement without adding any allowance for housing costs

Assumed cost of school meals = 55p a meal, £2.75 a week

Assumed cost of school transport = £1 a week



DEPARTMENT OF EDUCATION AND SCIENCE
ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH
TELEPHONE 01-928 9222
FROM THE SECRETARY OF STATE

✓
MS
1 MAP to see
2 PA

N J Sanders Esq
Private Secretary
10 Downing Street
LONDON
SW1

31 October 1979

Dear Nick,

DHSS have sent you a general note about possible implications for the poverty trap of the Government proposals on school meals, milk and transport. The note incorporates material provided by DES.

The only point we would wish to make is that the intention is that an LEA should use their own judgement about how best to use the powers the Bill would give them in the interest of pupils and parents in their area; the requirement with respect to children of families receiving supplementary benefit or family income supplement is a statutory minimum directed primarily at those LEAs which consider as a matter of principle that help for poor families is a DHSS responsibility rather than a matter for the Education Service. We expect that a majority of LEAs will continue to provide free meals to a wider range of children than those from families receiving SB/FIS and our estimates of the likely reduction in net expenditure in 1980-81 assumed that, on average, take-up of free meals would be reduced by about 20%, rather than the 40% that adoption of the straightforward SB/FIS criterion of entitlement would be expected to yield.

Yours ever,

Robert Green

R J GREEN
Private Secretary



Education
MS
✓

DEPARTMENT OF HEALTH & SOCIAL SECURITY

Alexander Fleming House, Elephant & Castle, London SE1 6BY

Telephone 01-407 5522

From the Secretary of State for Social Services

Mike Pattison Esq
Private Secretary
10 Downing Street
London SW1

29 October 1979

Dear Mike,

**SCHOOL MEALS, MILK AND TRANSPORT :
POVERTY TRAP AND WORK INCENTIVES**

You asked me for a note on these points; I attach material which has been copied to officials in DES. If DES wish to add to the note they will send comments direct to you. We are preparing a broader analysis of benefit changes, the poverty trap etc. which will encompass this material, for Prime Minister's Questions next Tuesday.

Yours ever
D

D BRERETON
Private Secretary

SCHOOL MEALS, MILK AND TRANSPORT: POVERTY TRAP AND WORK INCENTIVES

The so called poverty trap is due to high "marginal rates of taxation" caused by the combined effect of taxation and the withdrawal of means tested benefits as earnings rise. Thus an extra £1 of earnings could lose 36½p in tax and contributions; and potential losses of family income supplement and rent and rate rebates could then raise the marginal tax rate to rather more than 100 per cent. In addition free school meals and free welfare milk would be withdrawn at certain income points.

2. In practice these losses do not now occur - or at worst only occur cumulatively, not all at once. This is because some benefits (by design) are not adjusted as soon as incomes increase. Awards of family income supplement (FIS) run on for 12 months regardless of changes of circumstances.

School Meals

3. To date, an important factor in limiting the practical impact of the poverty trap has been the fact that entitlement to free school meals continues after other means tested benefits have been withdrawn after a rise in earnings. This is because the income limit for free school meals has been more generous, because awards of free school meals themselves have been for periods of 12 months and because entitlement for free school meals has not been withdrawn for all children in the family at the same income point. This has helped to keep the "marginal rates of tax" at any one stage within manageable proportions.
4. If the basis of free school meals is changed, so that in future they cease to be available as soon as FIS or supplementary benefit (SB)

ceases to be payable the impact of the poverty trap would be sharply increased. It would also worsen incentives for those out of work, since those with low earning capacity would have less extra help on top of earnings.

School Transport

5. If the local authorities provide school transport on a similar basis, remitting charges only where SB or FIS is payable, the impact of the poverty trap would be further sharpened.

Examples of impact of proposals

6. The Annex gives illustrative examples of poverty trap effects.

Amelioration of poverty trap effects

7. The amelioration of the poverty trap by devices of the kind which now apply could be continued by LEAs under the new proposals and it is probable that some, perhaps even a majority, will build something of the kind into their arrangements. However, to the extent that they do so, they reduce the scope for making savings on the school meals service. The Department's estimate of possible savings assumed that the provision made for children from low-income families would be very much less generous than the requirements of the current statutory regulations.

ANNEX

Illustrative examples of poverty trap effects if free school meals and transport restricted to those on SB and FIS

Broadly, the more children at school, the worse the effects. Families with rather higher incomes would suffer similar "poverty trap" effects; but their net disposable income would be higher which would mean a bigger margin above supplementary benefit levels.

1. Married couple with 2 children of school age

	<u>May 1979</u>		<u>May 1980</u>
		Before paying for school meals and transport	After paying for school meals and transport
Earnings	£49	£61	£61
Net income	£43.49	<u>£51.06</u>	<u>£43.56</u>
SB	£35.85	£42.20	£42.20

2. Married couple with 3 children of school age

	<u>May 1979</u>		<u>May 1980</u>
		Before paying for school meals and transport	After paying for school meals and transport
Earnings	£53	£65	£65
Net income	£49.71	<u>£57.53</u>	<u>£46.28</u>
SB	£42.40	£49.90	£49.90

Notes

Net income = income after deducting housing costs plus (where entitled) value of free school meals and transport

SB = supplementary benefit entitlement without adding any allowance for housing costs

Assumed cost of school meals = 55p a meal, £2.75 a week

Assumed cost of school transport = £1 a week



file LB
Education

10 DOWNING STREET

From the Private Secretary

22 October 1979

THE SCHOOL MEALS SERVICE

? see to
DES letter
11.10.79

The Prime Minister has asked me to let you have a copy of the attached letter from Robert Green to me. She thought that your Secretary of State might find it a useful piece of briefing for his forthcoming radio interview about local government expenditure.

May I suggest that you get in touch with the DES direct if you would like any further guidance on the subject?

I am copying this letter to Peter Shaw (Department of Education and Science).

N. J. SANDERS

D. A. Edmonds, Esq.,
Department of the Environment.



NBPR

17/10/79

QUEEN ANNE'S GATE LONDON SW1H 9AT

18 October 1979

Dear Mark SCHOOL MEALS

Thank you for your letter of 16 October informing me and members of H Committee about the change in your proposals for the Bill to provide a "safety net" provision for the children of families in receipt of supplementary benefit or family income supplement. I am sure it is right that education authorities should give special consideration to these children within the wide discretion they are to be granted. I trust also that the change will help to secure a somewhat easier passage for the Bill.

I am copying this letter to the Prime Minister, to our colleagues on H Committee and to Sir John Hunt.

Yours
Walter

The Rt. Hon. Mark Carlisle, QC., MP.

cc Mr. Wolfson
Mr. Patten



PA Ms 2
PRIME MINISTER

DEPARTMENT OF EDUCATION AND SCIENCE
ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH
TELEPHONE 01-928 9222
FROM THE SECRETARY OF STATE

A note for colleagues
of the school meals
decision. The Education
Bill will go to ~~the~~ L
next week. MS

The Rt Hon William Whitelaw MP
Secretary of State for the Home Department
50 Queen Anne's Gate
London SW1H 9AT

16th October 1979
ms

Dear Millie,
SCHOOL MEALS

You will recall that when we discussed last month the question of relaxing the present statutory duties imposed on local education authorities, we gave a good deal of thought to the problem of those who are at the moment receiving free meals. In the end we concluded that since the intended savings were unlikely to be achieved unless authorities had the maximum discretion on all aspects of school catering and because it was impracticable to shift the responsibility for free meals to the social services system, it would be best to leave it to the authorities to deal with the needs of poorer families as they saw fit.

Since then I have had further discussion with the local authority associations and other outside bodies. At the Prime Minister's request George Younger, Nick Edwards and I met with her to discuss this matter. In the light of these discussions we have decided that it would be right to introduce into the school meals legislation some protection for poorer families. I am therefore arranging for a suitable "safety net" provision to be included in the Bill which will not, however, significantly infringe the discretionary principle. The intention will be to require authorities to satisfy themselves that the arrangements they make will enable food or refreshment to be supplied without payment to pupils whose families are in receipt of supplementary benefit or family income supplement. The wider power to remit the normal charges in whatever circumstances an authority thought appropriate which formed part of our original proposals will, of course, be retained.

Copies of this letter go to the Prime Minister, the members of H Committee and Sir John Hunt.

James

Mark
MARK CARLISLE

020



NFS to see
re Education
MP 16/x.

DEPARTMENT OF HEALTH & SOCIAL SECURITY

Alexander Fleming House, Elephant & Castle, London SE1 6BY

Telephone 01-407 5522

From the Secretary of State for Social Services

Mike Pattison Esq
Private Secretary
10 Downing Street
London SW1

15 October 1979

Dear Mike

SCHOOL MEALS

Further to our conversation on 12 October, I am writing to register that this Department, because of our broad responsibilities for the welfare of the poorer sectors of society, has a strong interest in the area of the provision of school meals and that we would like to be kept informed of any new developments or initiatives in this area.

I am copying this to Robert Green in the Department of Education and Science.

Yours ever

Bernie Merkel

B C MERKEL
Private Secretary

CONFIDENTIAL

Education

JS
cc last para



10 DOWNING STREET

From the Private Secretary

15 October 1979

FREE SCHOOL MEALS

The Prime Minister discussed the forthcoming legislation on school meals today with your Secretary of State, the Secretary of State for Scotland and the Secretary of State for Wales.

She said that she feared that the proposals in the existing draft Bill would be very badly received in Parliament and in the country and that they would be seen as taking away food from the children who could least afford it. She was by no means committed to the existing nutritional standards of school meals, but doubted the wisdom of moving from a full mid-day meal to nothing at all for the children in question.

In discussion, the possibility of taking action through the social security system was ruled out, for the reasons outlined in the H Committee discussion on 18 September.

Mr. Carlisle said that he had been considering the possibility of amending the draft Bill to include a provision that local authorities should satisfy themselves that adequate arrangements were made to provide refreshments free of charge for the children of parents who were in receipt of FIS or SB.

The Prime Minister was concerned that the existing financial mechanisms for local authorities did not give Ministers the opportunity to ensure that resources were allocated preferentially to those authorities who respected the Government's wishes in matters such as this. She was anxious that the Ministers who would be dealing with this legislation should thoroughly think through the consequences of their proposals and the line they would take on them before public debate began.

She also suggested that there might be scope for savings in other areas of education expenditure, given the falling size of the school population and the increased number of teachers over the past few years.


/Your Secretary of State

Your Secretary of State said that he would urgently set in hand an amendment to the draft Bill to meet the points the Prime Minister had made about free refreshment for pupils, with a view to putting a paper to the next meeting of L Committee.

I am copying this letter to Godfrey Robson (Scottish Office), George Craig (Welsh Office), John Chilcot (Home Office), Don Brereton (Department of Health and Social Security), Ian Maxwell (Lord Chancellor's Office) and Martin Vile (Cabinet Office).

N. J. SANDERS

Peter Shaw, Esq.,
Department of Education and Science.



CONFIDENTIAL

SCHOOL MEALS

NOTE OF A MEETING AT 10 DOWNING STREET AT 1530 ON MONDAY 15 OCTOBER

Present:

The Prime Minister
Secretary of State for
Education and Science
Secretary of State for
Scotland
Secretary of State for
Wales
Mr. N.J. Sanders

* * * * *

The Prime Minister said that her experience over the ending of free school milk was etched on her mind, and she did not want Mr. Carlisle and his colleagues to have to go through the same burden unless it was absolutely vital. She was worried that the working of the RSG mechanism meant that local authorities who made savings on school meals would not be rewarded, and those who did not do so would not be penalised. In her view, unless there was some central provision laying down some standards for the service, local authorities would receive money when they should not.

In discussion of the possibility of shifting the burden on to the Social Security system, Mr. Carlisle pointed out that restricting the funds to those in receipt of FIS and supplementary benefit would enormously widen the poverty trap. He also pointed out that 40 per cent of children receiving free meals were from families above this support level. Furthermore, it had been agreed that the distinction between children aged 0-5 and 5-10 for supplementary benefit purposes would be ended, as a desirable simplification of the system, so that it would not be possible to discriminate between children under school age and those of school age in future.

/Mr. Carlisle

Mr. Carlisle said that he thought that the possibility of doing anything through the Social Security system had been ruled out. We were faced with the choice between giving the LEAs total freedom, in the expectation that they would not abuse that freedom, or putting into the bill some provision for poor children. If we now did that, it would be essential to get away from the existing nutritional standards if there was to be any hope of achieving savings. He had been considering the possibility of adding a provision, roughly along the line that local authorities should satisfy themselves that adequate arrangements had been made for providing refreshments free of charge for children whose parents were on FIS or SB.

The Prime Minister said that the DES was imbued with the belief that a three-course meal at lunch-time was necessary. She was not. All she wanted was for the children to have the means to get food, without necessarily having a three-course meal. She disliked the possibility of giving children a voucher, since that would immediately identify them as "free school meals children". She feared that unless something was done, Mr. Carlisle would face great hostility in the House of Commons, since he was giving the poorest children a positive reduction in their standard of living. She urged her colleagues to explore all the avenues in their proposals before they were published, and in particular to brief themselves fully on the relevant local authority financial mechanisms.

She asked whether there was scope for savings elsewhere in the education service. She suggested that overseas students might be a source of economies; Mr. Carlisle said that the subsidy to them was going to be abolished within three years. The Prime Minister said that the loss of 1 million pupils in the schools over the next four years ought to give rise to scope for large savings. Mr. Carlisle said that he was having to make a cut in the next financial year of 5 per cent overall.

CONFIDENTIAL

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Three per cent of that was to come from school meals and transport, and the other 2 per cent from elsewhere. If he could not make the savings on meals and transport on that scale, the consequences elsewhere would be worse. The Prime Minister said that Mr. Carlisle would be accused of wilfully taking away food from the children who could least afford it. The issue would cause strong feeling among Government backbenchers as well as in the Opposition, and he could not count on an automatic majority. She appealed to him not to make savings in the most sensitive areas of all. She suggested that there was a need to build up play-groups rather than nursery education, and that schools and other institutions could increase their revenues by hiring out their buildings during holidays. She said that the advice she had received from the DES on school milk was inadequate and incompetent and she was determined that there should be no loopholes this time. She asked what would happen if a Labour authority decided to be over-generous about meals. Mr. Edwards said that everyone knew that the arrangements for dealing with excessive spenders were unsatisfactory.

Mr. Carlisle said that if he were to be frank, he had been told by all the local authorities he had spoken to that savings on the scale demanded were unobtainable in 1980-81. To add a provision making mandatory free refreshment for poor children would make those savings even less achievable. But he would be against cash grants since they would either be too little to cover the cost of the meal or be perceived as unfair by those parents who provided sandwiches for their children, or both. The Prime Minister said that she was not asking that local authorities should provide full meals for children in need, but only that those children did not have to go from a full mid-day meal to nothing. She urged Mr. Carlisle and his colleagues to brief themselves very fully on all the aspects of the problem before they published the Bill.

* * * * *

/After the meeting

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After the meeting had finished, Mr. Carlisle told me that in the light of the discussion he felt that he should amend his Bill to lay down a minimum requirement on local authorities to satisfy themselves that they were making suitable arrangements to provide free refreshments.

MS

15 October 1979

THE EDUCATION (MILK) ACT 1971

(1971 c. 74)

Section	ARRANGEMENT OF SECTIONS	Page
1.	School milk for pupils in England and Wales	272
3.	Effect of section 1 . . . on rate support grant	273
4.	Citation, construction, repeal and extent	273

An Act to restrict the duty of education authorities to provide milk for pupils at educational establishments maintained by them or under their management and make further provision with respect to their power to do so; to restrict that power to secure provision of milk for pupils at other educational establishments; and for purposes connected therewith.

[5th August 1971]

GENERAL NOTE

This Act, which does not apply to Northern Ireland, gives effect to a proposal to discontinue, in schools maintained by local education authorities in England and Wales, the supply of free milk to pupils at the end of the summer term after they reach the age of seven, unless they are attending special schools or, in the case of pupils under twelve, have a medical requirement. The Act confers power on authorities to provide milk on repayment for pupils in attendance at schools maintained by them. The Act also restricts the power of authorities to provide milk for pupils in attendance at schools not maintained by them.

1. School milk for pupils in England and Wales.—(1) Regulations made under section 49 of the Education Act 1944 (a) as to the provision of milk for pupils (*) shall not require a local education authority (*) to provide milk for a pupil after the summer term ending next after the date on which he attains the age of seven (b), unless—

- (a) he is in attendance at a special school (c) or at a primary school (d) which is a school for providing primary education (e), or is a junior pupil (*) in attendance at a school which is deemed to be a primary school by virtue only of section 114 (3) of the Education Act 1944 or at a school which is deemed to be a primary or a secondary school by virtue of an order under section 1 (2) of the Education Act 1964 (a "middle school"); and
- (b) (except in the case of a pupil in attendance at a special school) there is for the time being in force in respect of him a certificate given by a medical officer of the authority stating that his health requires that he should be provided with milk at school (*).

(2) Regulations made under section 49 may also confer power on local education authorities to provide milk for pupils in attendance at schools maintained by them, but any regulations so made by virtue of this subsection shall require the expense of providing milk in the exercise of the power to be defrayed by the pupils for whom it is provided or their parents (*).

(3) The power under section 78 (2) (a) of the Education Act 1944 (f) to make arrangements as to the provision of milk for pupils in attendance at schools not maintained by the local authority shall not apply to a pupil after the summer term ending next after the date on which he attains the age of seven unless he is in attendance at a special school.

(4) Section 3 of the Public Expenditure and Receipts Act 1968 (in so far as it applies to England and Wales) and the Education (School Milk) Act 1970 are hereby repealed; and any regulations or arrangements made before the coming into force of this section shall cease to have effect in so far as they make provisions to the contrary of subsection (1) or (3) above.

(5) This section, except subsection (2), shall not have effect until the term following the summer term 1971.

(6) In this section "summer term" means the term ending last before the month of September.

NOTES

- (*) As to the meaning of "junior pupil", "local education authority", "maintain", "parent", "primary education", "pupil" and "school", see pp. 67-69, *ante*.
 (a) "Section 49 of the Education Act 1944".—See p. 141, *ante*.
 (b) "Attains the age of seven".—As to the time at which a person attains a particular age, see s. 9 of the Family Law Reform Act 1969.
 (c) "Special school".—See s. 9 (5) of the Education Act 1944, *ante*.
 (d) "Primary school".—See s. 114 (1), (3) of the Education Act 1944, *ante*, and s. 1 (2) of the Education Act 1964, *ante*.
 (e) "Primary education".—See ss. 7, 8 of the Education Act 1944, *ante*.
 (f) "Section 78 (2) (a) of the Education Act 1944".—See p. 163, *ante*.

2. (*Applies to Scotland.*)

3. Effect of sections 1 and 2 on rate support grant.—(1) The Secretary of State (a), in the exercise of his power, under section 3 (1) of the Local Government Act 1966 (b), to make an order varying, with respect to any year, a rate support grant order (c), may take into account any relief obtained or likely to be obtained, during the period covered by the rate support grant order by local authorities—

- (a) which is attributable to the coming into operation of any provision of section 1 of this Act, and
 (b) which was not taken into account in making the rate support grant order the variation of which is in question and has not since been taken into account by virtue of this subsection in making an order under section 3 (1) with respect to any other year comprised in that period.

The provisions of this subsection are without prejudice to section 3 (4) of the Local Government Act 1966 (under which an order under that section may vary the matters prescribed by a rate support grant order).

(2) (*Applies to Scotland.*)

NOTES

- (a) "Secretary of State".—This expression means "one of Her Majesty's Principal Secretaries of State for the time being"; see s. 12 (3) of the Interpretation Act 1989.
 (b) "Local Government Act 1966, ss. 3 (1), (4)".—Repealed by the Local Government Act 1966.
 (c) "Rate support grant order".—See sections 2-5 of the Local Government Act 1974.

4. Citation, construction, repeal and extent.—(1) This Act may be cited as the Education (Milk) Act 1971.

(2) The Education Acts 1944 to 1968 (a), the Education (Handicapped Children) Act 1970 (b), and this Act (in so far as it applies to England and Wales), may be cited together as the Education Acts 1944 to 1971.

(3) This Act, in its application to England and Wales, shall be construed as one (c) with the Education Acts 1944 to 1968, and, in its application to Scotland shall be construed as one with the Education (Scotland) Acts 1939 to 1971.

(4) In section 2 (1) of the Education (Handicapped Children) Act 1970 the words from "and" to the end of the subsection are hereby repealed.

(5) This Act does not extend to Northern Ireland.

NOTES

- (a) "Education Acts 1944 to 1968".—See General Note to the Education Act 1944, p. 73, *ante*.
 (b) "Education (Handicapped Children) Act 1970".—See p. 269, *ante*.
 (c) "Construed as one".—*I.e.*, the provisions in question are to be construed as if they were contained in one Act unless there is a manifest discrepancy; see, for example, *Phillips v. Parsonby*, [1934] 2 K.B. 299; [1934] All E.R. Rep. 267, at p. 302 and p. 269, respectively. It follows, in particular, that definitions applicable to the Education Act 1944 are, so far as applicable, relevant to the construction of this Act: cf. *Croze (Valuation Officer) v. Lloyds British Testing Co., Ltd.*, [1969] 1 All E.R. 411; [1969] 1 Q.B. 592; and *Kirkness v. Hudson (John) & Co., Ltd.*, [1955] 2 All E.R. 345; [1955] A.C. 696.

(2) In section 75(1) of the Education Act 1944 the words from 1944 c. 31.
 "and as to the payment" onwards (which provide for the
 remuneration and allowances of members of the Tribunals to be
 fixed by rules under that section) are hereby repealed.

7.—(1) Section 1 of the Education Act 1962 (local education Awards
 authority awards for certain courses) shall apply also to such for higher
 courses at universities, colleges or other institutions in Great diploma
 Britain and Northern Ireland as may for the time being be courses,
 designated by or under regulations made for the purposes of 1962 c. 12.
 that section as being full-time courses for the higher diploma of
 the Technician Education Council or the Business Education
 Council.

(2) Section 4(2) and (3) of the said Act of 1962 (regulations
 under sections 1 to 3 of that Act) shall apply also in relation to
 subsection (1) above.

8. For paragraph 4 of Schedule 1 to the Education Act 1962 Ordinary
 (ordinary residence for award purposes) there shall be residence
 substituted— for award
 purposes.

"4.—(1) Regulations made under this Act may make
 provision whereby a person who under paragraph 2 of this
 Schedule would fall to be treated for the purposes of section
 1 of this Act as not being ordinarily resident in any area is
 to be treated for those purposes as being ordinarily resident
 in the area of such local education authority as may be
 specified by or under the regulations.

(2) Subsections (2) and (3) of section 4 of this Act shall
 have effect in relation to this paragraph as they have effect
 in relation to section 1 of this Act."

9.—(1) In section 1(2) of the Education (Milk) Act 1971 School milk.
 (which makes provision for enabling education authorities to
 provide milk but for the expense to be defrayed by the pupils
 or their parents) the words from "but" onwards are hereby
 repealed.

(2) Section 3(1) of the said Act of 1971 (which contains spent
 provisions dealing with the effect of section 1 on rate support
 grant) is hereby repealed.

10.—(1) For section 33(2) of the Education Act 1944 there Pupils
 shall be substituted— requiring
 special
 educational
 treatment.

"(2) The arrangements made by a local education
 authority for the special educational treatment of pupils of
 any such category shall, subject to subsection (2A) of this
 section, provide for the education of the pupils in county or
 voluntary schools.

(2A) Where the education of the pupils in such schools as aforesaid—

(a) is impracticable or incompatible with the provision of efficient instruction in the schools; or

(b) would involve unreasonable public expenditure, the arrangements may provide for the education of the pupils in special schools appropriate to the category to which the pupils belong or in schools not maintained by a local education authority and for the time being notified by the Secretary of State to the authority as in his opinion suitable for the purpose."

1953 c. 33.

(2) The entry relating to the said section 33(2) in Schedule 1 to the Education (Miscellaneous Provisions) Act 1953 is hereby repealed.

(3) This section shall not come into force until such day as may be appointed by the Secretary of State by order made by statutory instrument.

Supplementary

Expenses.

11. There shall be paid out of moneys provided by Parliament any increase attributable to this Act in the sums payable out of such moneys under any other Act.

Citation,
construction
and extent.

12.—(1) This Act may be cited as the Education Act 1976.

(2) This Act shall be included in the Acts that may be cited as the Education Acts 1944 to 1976.

1944 c. 31.

(3) This Act shall be construed as one with the Education Act 1944.

(4) This Act does not extend to Scotland or Northern Ireland.

PRINTED IN ENGLAND BY HAROLD GLOVER
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE
(379131) 25p net

ISBN 0 10 548175 9

1969 No. 483

EDUCATION, ENGLAND AND WALES

The Provision of Milk and Meals
Regulations 1969

Made 27th March 1969
Laid before Parliament 2nd April 1969
Coming into Operation 7th April 1969

The Secretary of State for Education and Science, in exercise of the powers conferred upon him by section 49 of the Education Act 1944(a) as amended by the Secretary of State for Education and Science Order 1964(b) and section 3 of the Public Expenditure and Receipts Act 1968(c), hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Provision of Milk and Meals Regulations 1969 and shall come into operation on 7th April 1969.

(2) The Interpretation Act 1889(d) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(3) In these regulations—

"middle school" means a school in relation to which an order has been made under section 1(2) of the Education Act 1964(e) and "primary middle school" and "secondary middle school" mean, respectively, such a school which is deemed by the relevant order to be a primary school or to be a secondary school;

"primary school" does not include a primary middle school.

Revocation

2. The regulations specified in schedule 2 are hereby revoked.

Duty of local education authority

3.—(1) It shall be the duty of every local education authority (in these regulations called "authority"), subject to and in accordance with these regulations, to provide so far as is reasonably practicable such milk, meals and other refreshment as are required by day pupils in attendance at schools maintained by them.

(2) The duty imposed by paragraph (1) above shall include the duty to provide such premises, equipment and transport and such incidental and ancillary facilities and services as appear to the authority to be necessary; and for the purposes of this regulation the duty to provide premises shall include the duty to make alterations to the school buildings, including such consequential alterations as are necessary to secure that the school premises conform to the prescribed standards.

Provision of milk

4.—(1) On every school day one third of a pint of milk shall be provided for—

- (a) every pupil in every special school;
- (b) every pupil in every primary school until the end of the summer term ending next after the date on which he attains the age of seven; and
- (c) in the case of a pupil in respect of whom there is for the time being in force a certificate given by the medical officer of the authority that his health requires that he shall be provided with milk at school (other than a pupil for whom milk is provided in pursuance of sub-paragraph (a) or (b) above), any such pupil at a primary school and, until the end of the summer term ending next after the date of his twelfth birthday, any such pupil at a middle school.

(2) On any school day a further third of a pint of milk may be provided in any special school for any delicate pupil within the meaning of the Handicapped Pupils and Special Schools Regulations 1959(a) as amended (b).

These consolidated
Regulations include
all amendments to

1st August 1979

(Amendment) Regulations 1978
Statutory Instrument No 959

(Amendment No 2) Regulations 1971
Statutory Instrument 1971 No 1368

(Amendment) Regulations 1978
Statutory Instrument No 959

(Amendment No 2) Regulations 1971

Statutory Instruments 1971 No 368

(Amendment) Regulations
1978

Statutory Instrument
No 759

(Amendment) Regulations 1974

Statutory Instruments 1974 No 1125

(3) On any school day milk may be provided for any pupil in any school whether or not milk is provided for him under paragraph (1) or (2) above.

(4) The authority shall provide milk—

- (a) which is pasteurised or ultra heat treated or, if no such milk is obtainable, designated for sale as untreated; and
- (b) from sources and of a quality approved for the purposes of these regulations by the medical officer of health for the area of the authority after consultation with the medical officer of health for any county district concerned and the school medical officer.

(5) If it is not reasonably practicable for the authority to comply with the requirements of paragraph (4)(b) above, they shall provide full-cream dried milk prepared for drinking or milk tablets.

(6) In these regulations—

“primary school” means a school for providing primary education;

“all-age school” means a school which is deemed to be a primary school by virtue only of section 11(3) of the Education Act 1944;

“middle school” means a school which is deemed to be a primary school or a secondary school by virtue of an order under section 1(2) of the Education Act 1964(a).

Provision of meals and other refreshment

5.—(1) On every school day there shall be provided, and on any other day there may be provided, for every pupil as a midday dinner a meal suitable in all respects as the main meal of the day.

(2) On any school day there may be provided such other meals and refreshment as the authority consider appropriate.

Exceptions and saving

6.—(1) The authority shall not be under any duty to provide milk under regulation 4(1) or as the case may be a meal under regulation 5(1) for any pupil who takes it so rarely or irregularly that unreasonable expense is involved in catering for him.

(2) These regulations shall be without prejudice to the exercise by the head teacher of a school, under the articles of government or rules of management for the school, of any function relating to the internal discipline of the school.

Duties of managers and governors

7. The managers or governors of every school shall afford to the authority such facilities as are required by the authority to enable them to carry out their duties under these regulations and for that purpose shall allow the authority to make such use of the premises and equipment of the school, and to make such alterations to the school buildings, as the authority consider necessary.

Organisers of school meals

~~8. The duties of the authority with respect to the appointment of officers shall include the duty of appointing a fit person to be the organiser of school meals.~~

Supervision of pupils

9. The authority shall ensure that suitable arrangements are made for the supervision and social training of pupils during meals.

Expenses

10.—(1) Subject to the provisions of this regulation, the expense incurred in providing milk, meals and other refreshment under these regulations shall be defrayed by the authority.

(2) The authority shall make arrangements for securing that the cost of milk provided under regulation 4(3) for a pupil is defrayed by him or his parents:

Provided that this paragraph shall not apply as respects the cost of a third of a pint of milk a day so provided—

- (a) for a pupil at a primary or primary middle school, or
- (b) before the end of the summer term ending next after his twelfth birthday, for a pupil at a secondary middle school,

unless he is also provided with milk under regulation 4(1) or (2).

(3) The authority shall make arrangements for the payment by the parent of—

- (a) a charge of 30p for every meal provided in a nursery school or a county or voluntary school under regulation 5(1);
- (b) such a charge (if any) as they consider appropriate for any meal provided in a special school under regulation 5(1); and
- (c) such charges as they consider appropriate for meals and refreshment provided under regulation 5(2).

(4) The arrangements made by the authority under paragraph (3) above shall include provision for the remission of the charge under sub-paragraphs (a) and (b) in the case of any parent who satisfies them that he is unable to pay it without hardship and may include provision for the remission of the charge under sub-paragraph (c) in the case of any parent in whose case the charge under sub-paragraph (b) is remitted in pursuance of this paragraph.

(5) For the purposes of paragraph (4) above, a parent who is in receipt of a supplementary pension or a supplementary allowance under section 1 of the Supplementary Benefits Act 1976(b) or a benefit under the Family Income Supplements Act 1970(e) shall be treated as unable to pay the charge without hardship; and in the case of the charge under paragraph (3)(a) above, the question whether any parent not in receipt of such benefit is so unable to pay shall be determined in accordance with schedule 1.

“(6) Subject to paragraph (7) below the parent shall for the purposes of paragraph (4) above be treated as having satisfied the authority that, as regards any child, he is unable to pay the charge under paragraph (3)(a) above without hardship for a period of twelve months beginning on the first day on which the charge is, or as the case may be was last, remitted in pursuance of paragraph (4) by virtue of schedule 1; and this paragraph shall have effect notwithstanding any increase in the net income of the parent, and any decrease in the size of the family, during that period.

(7) Paragraph (6) above shall not apply if the authority are satisfied that the inability of the parent, immediately before the commencement of the period of twelve months referred to, to pay the charge without hardship was due to a temporary reduction in his income.”

SCHEDULE 1

Regulation 10(5)

DETERMINATION OF FINANCIAL HARDSHIP

Net income scale

1. Where the net weekly income of the parent of a family of any size specified in Part A of the following table is less than any amount shown in the corresponding entry in Part B, the number of children in respect of whom the charge shall be remitted is the number at the head of the column in Part B in which there appears the lowest amount in that entry which exceeds his income.

(Amendment) Regulations
1978
Statutory Instrument
No 959

Amendment Regs 1979
SI 1979 No 695

(Amendment No 2) Regs 1978
S.I. 1978 No 1299

(Amendment) Regs 1977
SI 1977 No 385

(Amendment) Regulations 1973
Statutory Instruments 1973 No 271

(Amendment No 2) Regs 1971. S.I. 1971 No 1369

(Amendment)
Regulations 1979

Statutory
Instrument
1979 No. 695.

(Amendment No 2)
Regulations 1971
S.I. 1971 1368

(Amendment No 2)
Regulations 1975
S.I. 1975 No 1619

and

(Amendment) Regulations
1977
Statutory Instrument
1977 No 385

"Part A Size of Family	Part B					
	1	2	3	4	5	6
1	£ 40.40	£	£	£	£	£
2	48.50	47.00				
3	56.60	55.10	53.60			
4	64.70	63.20	61.70	60.20		
5	72.80	71.30	69.80	68.30	66.80	
6	80.90	79.40	77.90	76.40	74.90	73.40

For larger families, in respect of each child—

(a) £8.10 is to be added at each incremental point in every additional line, and

(b) £1.50 is to be deducted at each incremental point in every additional column."

For the purposes of this paragraph the expression "size of family" means the number of dependent children in the family who have not attained the age of 19.

Calculation of net income

2. In calculating the net income of the parent there shall be taken into account his income (reduced by income tax and national insurance contributions but including any benefit in kind other than a dwelling) from all sources, but there shall be disregarded the resources specified in paragraph 3 below and a deduction shall be made in respect of the expenses specified in paragraph 4 below.

Resources to be disregarded

3.—(1) £4 of any income to which this sub-paragraph applies: provided that there shall not be disregarded more than £1 of any payments of a kind to which paragraph 25 of schedule 2 to the Supplementary Benefit Act 1966(e) (as substituted by paragraph 5 of schedule 3 to the Social Security Benefits Act 1975(d)) (occupational pensions) applies.

(2) sub-paragraph (1) applies to all income except—

(a) earnings;

(b) benefit under the National Insurance Acts 1965 and 1966(e);

(c) industrial injury benefit under the National Insurance (Industrial Injuries) Acts 1965 and 1966(f);

(d) benefit paid under section 1 of the Child Benefit Act 1975(h) ("child benefit").

(e) payments for maintenance (including any marriage allowance); and

(f) any rent received in respect of accommodation whether let furnished or unfurnished;

but for the purposes of sub-paragraph (1) the amount of—

(i) a war widow's pension;

and

(ii) a widow's pension under section 19(3) of the National Insurance (Industrial Injuries) Act 1965 or an analogous payment—

shall be reduced by the amount of the rate of pension payable to a widow under schedule 3 to the National Insurance Act 1965."

(4)

(Amendment No 2) Regulations 1976

Statutory Instruments 1976 No 1705

- (3) £6 of the earnings of a parent in a one parent family (that is to say, a family where the household does not include the parent's spouse or a person with whom the parent cohabits as man and wife).
- (4) In a family which is not a one parent family—
 - (a) £4 of the earnings of a mother or female guardian;
 - (b) £2 of the casual earnings of an unemployed father or male guardian.

(Amendment No 2) Regulations 1971

Statutory Instruments 1971 No 1368

- (5) Any maternity grant under section 23 of the National Insurance Act 1965.
- (6) Any death grant under section 39 of the National Insurance Act 1965.
- (7) Any payment in respect of a pupil under the Regulations for Scholarships and Other Benefits 1945(a) as amended (b).
- (8) £1.25 of any income if one parent is blind.
- (9) £2 of any income if both parents are blind.
- (10) One-tenth of the rent received in respect of accommodation let unfurnished.
- (11) One-quarter of the rent received in respect of accommodation let furnished.
- (12) Any income received as a contribution towards the expenses of the household from any other member of, or person living with, the family.

(Amendment) Regulations 1972

Statutory Instruments 1972 No 1098

"(13) Any attendance allowance under section 4 of the National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970(a)".

Expenses to be deducted

4.—(1) The amount of any premium on a policy of assurance on the life of either parent.

(2) Any expenses reasonably incurred in the provision of necessary household assistance and necessary day care for a child below compulsory school age where—

- (a) the parent is widowed, divorced or permanently separated from the other party to the marriage;
- (b) either parent is incapacitated;
- (c) the parent is an unmarried woman.

(3) Any expenses necessarily incurred in the course of the parent's employment, including travelling expenses, trade union subscriptions and superannuation contributions.

(4) The amount of any rent, general and water rates and mortgage payments in respect of the home and of any hire purchase payments in respect of any caravan or houseboat which is the permanent home of the family.

(5) Any payment made—

- (a) for the maintenance of a former wife or her child;
- (b) under an affiliation order;
- (c) under a contribution order in respect of a child in the care of a local authority.

(6) £2.25 of the cost of any special diet prescribed by a registered medical practitioner.

(Amendment No 2) Regulations 1971

Statutory Instruments 1971 No 1368

(Amendment)(No 2) Regulations 1978

Statutory Instrument 1978 No 1301

whether or not any person is proceeded against or convicted in respect of the offence conducted to or connived at, be guilty of the like offence and punishable accordingly.

NOTE

This section, together with sections 41-45, pp. 135 *et seq.*, *ante*, is discussed in the general note to section 41. It is now unlikely that county colleges will be established. See Introduction, p. 48, *ante*.

47. Interim provisions as to further education.—[*Spent.*]

NOTE

See generally, as to further education, the Introduction, pp. 48-54, *ante*.

SUPPLEMENTARY PROVISIONS AS TO PRIMARY, SECONDARY AND FURTHER EDUCATION

*Ancillary Services*48. Medical inspection and treatment of pupils.—(1)-(3) [*Repealed.*]

(4) It shall be the duty of every local education authority to make arrangements for encouraging and assisting pupils (a) to take advantage of [the provision for medical and dental inspection and treatment made for them in pursuance of section 3(1), or 3(3)(a)(i) of the National Health Service Reorganisation Act 1973 (b)]:

Provided that if the parent of any pupil gives to the authority notice (c) that he objects to the pupil availing himself of [the provision so made (b)] the pupil shall not be encouraged or assisted so to do.

(5) [*Repealed.*]

NOTES

Subsections (1)-(3), (5) were repealed by the National Health Service Reorganisation Act 1973, s. 57, Sch. 5.

The section as originally enacted imposed upon local education authorities the duty of providing for the medical and dental treatment of all children and young persons attending maintained schools and county colleges and of taking such steps as might be necessary to ensure that those found to be in need of medical treatment, other than domiciliary treatment, received it free of cost.

In addition, power was given to provide for the medical and dental inspection and medical treatment of senior pupils in attendance at any other educational establishment maintained by the local education authority.

See now section 3 of the National Health Service Reorganisation Act 1973, p. 310, *post*, and Circular 174, *post*.

(a) "Arrangements for encouraging and assisting pupils".—Though the local education authority may require the submission of a pupil for medical and dental inspection, and has a duty to see that facilities for free medical and dental treatment are available, it is still no part of the national policy to require that a pupil shall take advantage of any free treatment offered in preference to any other treatment which the parent or the pupil may desire.

(b) The words in square brackets were substituted by the National Health Service Reorganisation Act 1973, section 57, Sch. 4.

(c) "Notice".—As to the service of notices, see section 113, p. 182, *post*.

49. Provision of milk and meals.—Regulations (a) made by the Secretary of State (b) shall impose upon local education authorities (*) the duty of providing (c) milk (d) meals (e) and other refreshment for pupils (*) in attendance at schools (f) and county colleges (*) maintained (*) by them; and such regulations shall make provision as to the manner in which and the persons by whom the expense of providing such milk, meals or refreshment is to be defrayed, as to the facilities to be afforded (including any buildings or equipment to be provided) and as to the services to be rendered by managers, governors (*) and teachers (g) with respect to the provision of such milk, meals or refreshment, and as to such other consequential matters as the Secretary of State (b) considers expedient, so, however, that such regulations shall not impose upon teachers at any school or college duties upon days on which the school or college is not open for instruction, or duties in respect of meals (h) other than the supervision of pupils, and shall

not require the managers or governors of a voluntary school (*) to incur expenditure.

NOTES

No imperative duty to provide school meals was imposed on local education authorities until regulations were made in 1945 pursuant to the present section. Those, and various amending regulations, were revoked and consolidated in the Provision of Milk and Meals Regulations 1969. These regulations have been amended from time to time. See the regulations, S.I. 1969 No. 483, as amended, at p. 383, *post*.

The present requirement is that on every school day one third of a pint of milk must be provided free for (a) every pupil in every special school; (b) every pupil in every primary school until the end of the summer term ending next after the date on which he attains the age of seven; (c) every other pupil in a primary school, and every junior pupil in an all-age school or a middle school, where his health requires it (as certified by medical certificate). There also may be provided milk for other pupils provided that they or their parents pay for it (Education (Milk) Act 1971, p. 272, *post*; Provision of Milk and Meals Regulations 1969, reg. 10, as amended, p. 384, *post*).

Local education authorities no longer have power to require teachers to supervise pupils during school meals, but must make suitable arrangements for the supervision and social training of pupils during meals (regulation 9). In practice, many teachers still do supervision duties.

(*) As to the meaning or statutory definition of "local education authority", "pupil", "county college", "maintained", "managers or governors" and "voluntary school", see pp. 67-69, *ante*.

(a) "Regulations".—See the Provision of Milk and Meals Regulations, 1969, S.I. 1969 No. 483 (as amended by the Provision of Milk and Meals (Amendment) Regulations, 1970, S.I. 1970 No. 339, the Provision of Milk and Meals (Amendment No. 2) Regulations, 1970, S.I. 1970 No. 511, the Provision of Milk and Meals (Amendment No. 3) Regulations, 1970, S.I. 1970 No. 1417, the Provision of Milk and Meals (Amendment) Regulations, 1971, S.I. 1971 No. 169, the Provision of Milk and Meals (Amendment No. 2) 1971, S.I. 1971 No. 1388, the Provision of Milk and Meals (Amendment) Regulations, 1972, S.I. 1972 No. 1098, the Provision of Milk and Meals (Amendment) Regulations, 1973, S.I. 1973 No. 271, the Provision of Milk and Meals (Amendment No. 2) Regulations, 1973, S.I. 1973 No. 1299, the Provision of Milk and Meals (Amendment) Regulations, 1974, S.I. 1974 No. 1125, and the Provision of Milk and Meals (Amendment) Regulations, 1975 No. 311), p. 383, *post*.

(b) "Secretary of State".—See note (b) to s. 1, *ante*.

(c) "The duty of providing".—As to the enforcement of this duty, see section 89, *post*.

(d) "Milk".—By Regulation 4 (4) of the Provision of Milk and Meals Regulations 1969, as amended, *supra*, the source and quality of milk supplied for drinking is to be approved by the Medical Officer of Health for the area of the authority after such consultations as in the said regulation mentioned and by regulation 4 (5), where suitable liquid milk is not available the authority may provide full-cream dried milk prepared for drinking or milk tablets.

(e) "Meals".—Regulation 5 of the Provision of Milk and Meals Regulations 1969 (*supra*) provides that on every school day there shall be provided, and on any other day there may be provided, a midday dinner for every pupil, suitable in all respects as the main meal of the day. Other meals and refreshment may be provided as the authority think appropriate.

Regulation 10 (3) provides that a charge (at present 15p) may be made for every mid-day meal provided in a county or voluntary school, and an "appropriate" charge for any meal in a special school. The charge may be remitted in the case of any parent who satisfies the authority that he is unable to pay it without hardship. For this latter purpose a means test, according to size of family and not weekly income, is provided (see Schedule 1 to the Regulations of 1969).

Schedule 2 to the Regulations revoked all relevant regulations made prior to 1969.

(f) "Schools".—By section 114 (1), p. 185, *post*, the term as here qualified means institutions for providing primary or secondary education or both primary and secondary education, being schools maintained by a local education authority. As regards schools not maintained by the authority, section 78 (2), p. 164, *post*, empowers the local education authority, with the consent of the proprietors of the schools, and upon such financial and other terms, if any, as may be agreed, to make similar arrangements to those contemplated by this section for the pupils in attendance at such schools, subject, however, to a proviso that, so far as practicable, the cost to the authority shall not exceed the cost of making similar provision for pupils at schools maintained by the authority.

(g) "Teachers".—Local education authorities no longer have power to require teachers to supervise pupils during school meals. See general note, *supra*.

(h) "Duties in respect of meals".—The collection of money for school meals is a duty in respect of meals other than the supervision of pupils and, therefore, cannot be imposed on teachers, and a resolution of the local education authority requiring teachers to collect such money is, accordingly, void (*Price v. Sunderland Corporation*, [1956] 3 All E.R. 153). See also *Goose v. Durham County Council*, [1971] 2 All E.R. 666 (whether refusal to serve meals amounted to repudiation of contract of service).

50. Provision of board and lodging otherwise than at boarding schools or colleges.—(1) Where the local education authority (*) are satisfied with respect to any [pupil] (*) that primary (*) or secondary education (*) suitable to his age, ability and aptitude (a) can best be provided by them for him at any particular county school (*), voluntary school (*), or special school (b), or are satisfied with respect to any young person (*) that further education (*) should in his case be provided by requiring his continuous

Mr. N. Sanders



PA

CABINET OFFICE

Attached are the draft clauses for the
Education Bill on school meals and milk which
you requested.

With the compliments of

John Glyn

15/10/79

70 Whitehall, London SW1A 2AS
Telephone 01 233-7665

~~accordance with the regulations, and may also make provision for requiring local education authorities and other persons to whom payments have been made in pursuance of the regulations to comply with such requirements as may be so determined.~~

School meals and transport

5

School meals:
England
and Wales.

22.—(1) A local education authority—

- (a) may provide registered pupils at any school maintained by them with milk, meals or other refreshment; and
(b) shall provide such pupils with facilities for consuming any meals or other refreshment brought to the school by them. 10

i.e. an LEA will be able to charge pupils for eating their own sandwiches— this has been taken out of the latest version of the Bill, I'm glad to say. MS

(2) A local education authority—

- (a) may make such charges for anything provided by them under subsection (1) above as they think fit; but
(b) shall remit the whole or part of any charge that would otherwise be made if, having regard to the particular circumstances of any pupil or class or description of pupils, they consider it appropriate to do so. 15

(3) The governors of a school maintained by a local education authority shall— 20

- (a) afford the authority such facilities as they require to enable them to exercise their functions under this section; and
(b) allow the authority to make such use of the premises and equipment of the school and such alterations to the school buildings as the authority consider necessary for that purpose; 25

but nothing in this subsection shall require the governors of a voluntary school to incur any expenditure.

1944 c. 31.

(4) The power under section 78(2)(a) of the Education Act 1944 to make arrangements as to the provision of milk for pupils in attendance at non-maintained schools shall apply in relation to all such pupils; and accordingly section 1(3) of the Education (Milk) Act 1971 (which restricts the power to provision for children under the age of eight and children at special schools) shall cease to have effect. 30 35

1971 c. 74.

School
transport:
England
and Wales.

23.—(1) A local education authority—

- (a) shall make such arrangements for the provision of transport and otherwise as they consider appropriate for the purpose of facilitating the attendance of pupils— 40
(i) at schools which are maintained by them or which those pupils attend pursuant to arrangements

made by the authority under section 33 of the Education Act 1944 or section 6 of the Education 1953 c. 33. (Miscellaneous Provisions) Act 1953 ; or

5 (ii) at any course or class provided in pursuance of a scheme of further education in force in their area ; and

(b) may pay the whole or any part, as the authority think fit, of the reasonable travelling expenses of any pupil in attendance at any such school, course or class as aforesaid for whose transport no arrangements are made under paragraph (a) above.

(2) A local education authority—

15 (a) may make such charges as they think fit for any services provided under subsection (1)(a) above, other than services provided for a pupil to whom subsection (4) below applies ; but

(b) shall remit the whole or part of any charge that would otherwise be made if, having regard to the particular circumstances of any pupil or class or description of pupils, they consider it appropriate to do so.

(3) If under subsection (1)(a) above a local education authority consider that no arrangements should be made for the transport of a pupil to whom subsection (4) below applies, they shall pay the whole of his reasonable travelling expenses in respect of one journey to and from his school on each day of attendance.

(4) This subsection applies to any pupil in attendance at a school which is not within walking distance of his home if—

30 (a) the local education authority have made no suitable arrangements for boarding accommodation for him at or near the school or for enabling him to become a pupil at a school nearer to his home ; and

(b) his parents are in receipt of supplementary benefit or family income supplement ;

35 and in this subsection the expression "walking distance" has the same meaning as in section 39 of the said Act of 1944.

(5) In section 39(2)(c) of the said Act of 1944 (excuse for pupil's non-attendance at school) for the words "and that no suitable arrangements have been made by the local education authority either for his transport to and from the school or" there shall be substituted the words "that it is not reasonably practicable for the child to travel to and from the school by public transport, that the local education authority have not

provided transport for him under section 23(1)(a) of the Education Act 1980 and that no suitable arrangements have been made by them”.

1960 c. 16.

(6) In section 118(4) of the Road Traffic Act 1960 (public service vehicles exempt from licensing) for the words “ subsection (1) of section fifty-five of the Education Act, 1944 ” and “ subsection (1) of section twelve of the Education (Miscellaneous Provisions) Act, 1953 ” there shall be substituted respectively the words “ subsection (1)(a) of section 23 of the Education Act 1980 ” and “ subsection (2) of that section ”.

School meals:
Scotland.

24.—(1) An education authority—

(a) may provide, or arrange for the provision of, milk, meals or other refreshment for pupils in attendance at public schools and other educational establishments under their management; and

(b) shall provide, or arrange for the provision of, facilities for the consumption of any meals or other refreshments brought to the school or other educational establishment by such pupils.

(2) An education authority—

(a) may make such charges for anything provided under subsection (1) above as they think fit; but

(b) shall remit the whole or any part of any charge that would otherwise be made if, having regard to the particular circumstances of any pupil or class or description of pupils, they consider it appropriate to do so.

1962 c. 47.

(3) For the purposes of this section, a pupil for whom an education authority have made special arrangements under section 14 of the Education (Scotland) Act 1962 may, at the discretion of the authority, be deemed to be in attendance at a public school under their management.

1971 c. 74.

(4) The power under section 55 of the Education (Scotland) Act 1962 to make arrangements as to the provision of milk for pupils in attendance at schools other than public schools shall apply in relation to all such pupils; and accordingly section 2(4) of the Education (Milk) Act 1971 (which restricts the power to provision for pupils under the age of eight and pupils receiving special education) shall cease to have effect.

(5) This section applies to Scotland only.

School
transport:
Scotland.

25.—(1) An education authority—

(a) may provide, or arrange for the provision of, transport for the purpose of facilitating the attendance of pupils at any school or other educational establishment; and

- (b) may pay the whole or any part, as the authority think fit, of the reasonable travelling expenses of any pupil in attendance at any such school or other educational establishment as aforesaid for whose transport no arrangements are made under paragraph (a) above.
- 5
- (2) An education authority may—
- (a) make such charges as they think fit for any services provided under subsection (1)(a) above other than services provided for a pupil to whom subsection (4) below applies; but
- 10
- (b) shall remit the whole or any part of any charge that would otherwise be made if, having regard to the particular circumstances of any pupil or class or description of pupils, they consider it appropriate to do so.
- 15
- (3) If under subsection (1)(a) above an education authority neither provide, nor arrange for the provision of, transport for a pupil to whom subsection (4) below applies, they shall pay the whole of his reasonable travelling expenses in respect of one journey to and from his school or other educational establishment on each day of attendance.
- 20
- (4) This subsection applies to any pupil in attendance at a school or other educational establishment which is not within walking distance of his home if—
- (a) the education authority have made no suitable arrangements for boarding accommodation for him at or near the school or other educational establishment or for enabling him to become a pupil at a school or other educational establishment nearer to his home; and
- 25
- 30
- (b) his parents are in receipt of supplementary benefit or family income supplement;
- and in this subsection the expression "walking distance" has the same meaning as in section 42 of the Education (Scotland) 1962 c. 47.
- 35 Act 1962.
- (5) Where as a condition of admission to any educational institution a person is required to attend for examination or interview at a particular place, the education authority may pay the whole or part of the expenses necessarily incurred by that person in respect of such attendance.
- 40
- (6) In section 42(1) of the Education (Scotland) Act 1962 (reasonable excuses for non-attendance at school)—
- (a) in paragraph (a), for the words from "either" to the end there shall be substituted the words—
- 45
- "(i) where the parents of the child are not in receipt of supplementary benefit or family income

supplement, it is not reasonably practicable for the child to travel to and from school by public transport and the education authority have not provided, or arranged for the provision of, transport for him under section 25 of the Education Act 1980: 5

(ii) where the parents of the child are in receipt of supplementary benefit or family income supplement, the education authority have neither provided, or arranged for the provision of, transport for him under subsection (1)(a) of the said section 25, nor offered to pay, under subsections (1)(b) and (3) of that section, the whole of his reasonable travelling expenses nor remitted, under subsection (2)(b) of that section, the whole of any charge for the transport that has been provided, or arranged for, for him under the said section 25; or 10

(iii) whether the parents of the child are in receipt of supplementary benefit or family income supplement or not the transport that has been provided, or arranged for, under the said section 25 is such as to require him to walk more than walking distance in the course of any journey between his home and school; and 20

(b) in paragraph (c), after the word "circumstances" there shall be inserted the words "not related to the distance or expense of the journey between the child's home and school." 25

(7) In section 50(2)(a) of the Education (Scotland) Act 1962, for the words "fifty-one of this Act" there shall be substituted the words "25 of the Education Act 1980". 30

(8) This section applies to Scotland only.

Miscellaneous

~~Day nurseries. 26. (1) Subject to subsection (3) below, a local education authority may, in accordance with arrangements made by them in that behalf, make available to any day nursery the services of any teacher who— 35~~

~~(a) is employed by them in a nursery school or in a primary school having one or more nursery classes; and~~

~~(b) has agreed to provide his services for the purposes of the arrangements. 40~~

~~(2) Subject to subsection (3) below, the governors of any county or voluntary primary school having one or more nursery classes may, in accordance with arrangements made by them~~

PRIME MINISTER

SCHOOL MEALS

You are meeting Mr. Carlisle, Mr. Younger and Mr. Edwards at 1530 to discuss his minute at Flag A. My letter which gave rise to that minute is at Flag B and the earlier papers which you saw are also attached. In particular, you will remember that H Committee considered on 18 September (Flag C) how free school ~~meals~~ meals should be treated, on the basis of the paper at Flag D. They decided that local authorities should be given a completely free hand on the quality and quantity of school meals provision in future and on the level of charges and the provision of free school meals (if any).

Mr. Carlisle has already consulted the local authorities about this approach and his bill is ready to go to Legislation Committee with a view to introduction next week. Because of your wish to discuss it with him, it has already slipped from tomorrow's meeting of L Committee. There is a separate Scottish ~~bill~~ section in the bill.

It seems to me that there are three possible outcomes:

- (i) To leave things as they are, with no Government recommendation other than a statement of hope by the Secretaries of State when the bills are debated;
- (ii) To accompany the existing bill with a much stronger expression of Government will but not to lay a statutory duty on local authorities to provide free (or indeed any) meals; and perhaps to lay down a national income scale for the availability of free school meals; or
- (iii) To amend the legislation to make it a statutory duty to provide refreshments and to provide those refreshments free to those in need (as defined by Central Government).

The Ministers present will strongly resist the third of these, on the grounds that it would prejudice their need to find large - scale

/ savings

savings from the school meals service. We are told that Mr. Younger took some convincing by his officials that this line was a sensible one.

If you want to be sure that no local authority will go the whole way and either abolish the school meals system altogether or remove the availability of free school meals, then the third course is the only one; but it might be worth exploring the effectiveness of the second course as well.

MS

15 October 1979



10 DOWNING STREET

PRIME MINISTER

School Meals

I have arranged for
Mr. Carlisle, Mr. Younger and
Mr. Edwards to discuss them
with you at No. 10 at 1530 on
Monday.

Nick Sanders has already
left the relevant papers with
you.

A handwritten signature in blue ink, appearing to be 'M. J.' with a flourish.

A handwritten signature in blue ink, appearing to be 'Nick Sanders'.

12 October 1979

PRIME MINISTER



The Prime Minister
not wish to discuss
with Mr Cartledge

3.30 Monday ev.

You were worried about the future of
free school meals. I decided to give
LEAs a free hand, and Mr Cartledge's
minute explains why. Are you content
to agree X overleaf?

MS u/10

PRIME MINISTER

I am grateful for your comments on the matters raised in my minute of 5 October and I shall be consulting colleagues on the price increases and other steps which might be taken to ease the transition to the new arrangements which our proposed legislation would introduce.

I understand your anxieties about pupils who need free meals and would like to explain in some detail why, after giving the matter a great deal of thought, we came down in favour of leaving this to the discretion of local education authorities. The arguments were fully set out in the paper presented to the Home and Social Affairs Committee on 18 September, and they approved and confirmed this view. There were 3 main ~~options~~^{options}: leaving free meal arrangements to the discretion of LEAs; a prescribed minimum level of provision for families qualifying on a means test; providing cash allowances through the social security system. The last of these was ruled out on grounds of expense and administrative practicability.

The overriding reason for ruling out the continuance of mandatory free meals was that to do so would make it less likely that the intended expenditure savings would be achieved. Our estimates assumed that substantial savings would be made on the £105 millions which free meals at present cost. The present income scales are very generous and could be toughened up, but the maximum savings will only be secured by also reducing the cost of the meal or refreshment supplied and by taking factors other than family income into account in determining whether for individual pupils in particular circumstances the authority need provide food (as opposed to pupils bringing sandwiches or going home for the mid-day meal). I also believe that the need is not confined solely to low-income families. This kind of decision can only be taken by those with a knowledge of local and individual circumstances.

I think we have to trust them to do this responsibly if we are to be consistent with our broad policies of giving authorities the maximum of freedom in carrying out their functions. The alternative, which I think would sit very awkwardly with the discretion they will have in dealing with other pupils, would be to lay down, in statutory regulations for free-meal pupils only, the qualifying criteria (presumably in

the form of income scales) and also the minimum nutrition to be provided. This would divide schools into two categories of pupils: those towards whom the LEA would exercise discretion over what, if any, food and facilities they would provide and the charges to be made and those who would be entitled to a free meal to a prescribed standard.

I realise, of course, that in extending thus far the freedom of LEAs we run the risk that a few may go further towards the total elimination of a school meals service than we intend. However, from the consultations I have had with the local authority associations I believe that few, if any, would take and maintain such a stance (which would be electorally unpopular in most areas). By far the majority would probably continue to provide a service and to meet the genuine needs of pupils who would otherwise suffer from the ending of the present arrangements.

X(I hope therefore that you will be content with legislation which does not lay down statutory conditions for free meals. We can and shall be saying something about our expectations in this area during the passage of the Bill and, we can also, if it should appear to be desirable, discuss with the local authority associations the question of whether some national guidelines would be helpful in reducing the incidence of undesirable local variations in practice.

I am copying this to Willie Whitelaw (as Chairman of H Committee), George Younger and Nicholas Edwards, and to Sir John Hunt.



p.p. MARK CARLISLE
11 October 1979
(Approved by the Secretary of
State and signed in his absence)



cc Mr Wolfson

PRIME MINISTER

DEPARTMENT OF EDUCATION AND SCIENCE
ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH
TELEPHONE 01-928 9222
FROM THE SECRETARY OF STATE

One more piece in the school meals jigsaw - a indicator of the difficulty of making real savings by job loss.

MS 15/10

But we can't be directed to take this
MS

N J Sanders Esq
Private Secretary
10 Downing Street
London SW1

11 October 1979

*Keep hands for
- Quaker*

Dear Nick,

NUPE AND THE SCHOOL MEALS SERVICE

Your letter of 8 October to Peter Shaw asked for further details in connection with the Department's paper on school meals.

Our information about NUPE (and possibly other unions') opposition to job reductions in the school meals service comes mainly from the reports of our catering advisers and our day-to-day contacts with LEA officials.

In May 1979, NUPE published a report of the Working Party on staffing and conditions in the school meals service entitled "Recipe for Change". It recommends opposition to any proposals to introduce frozen or convenience foods which involve reductions in staffing. The report is aimed at local school meals staffs and relevant excerpts are attached.

Examples (which pre-date the NUPE Working Party report) of resistance to proposed changes are:

Hillingdon:

A plan for a 40,000 meal cook-freeze installation has been shelved since 1976. This would enable a 30-40% reduction in staff to be made by natural wastage - no redundancies.

Leeds:

A 30,000 meal cook-freeze unit is planned to replace hot transported meals produced in central kitchens. At a meeting early in 1979 national NUPE officers told the DES that they would oppose the proposal because of the job reductions it involved.

- Nottinghamshire: At the beginning of 1979 the authority began to discuss with the unions its plans for setting up a cook-freeze pilot scheme. NUPE have refused to co-operate because it involves a reduction in jobs.
- Derbyshire: The authority are still having discussions with the unions about staffing scale for convenience food kitchens which require between 50-70% of the staff needed for traditional kitchens: discussions started in 1977.
- Suffolk: The unions have made it clear that they will not agree to reduced staffing levels for convenience food kitchens.
- Coventry: The authority has carried out a preliminary investigation into the setting up of a cook-freeze system to replace ageing central kitchens but this was abandoned in the face of union opposition.

Where union agreement to staff-saving changes has been secured it has usually been because the authority has had difficulty in recruiting enough staff anyway; or because a new installation will greatly improve working conditions; or because they have undertaken that reductions will be made by natural wastage. The NUPE report seems designed to stiffen the resistance of local branches.

I hope this further information is helpful.

Yours ever,

Robert Green

R J GREEN
Private Secretary

Working party report

Principal School Medical Officers and Principal School Dental Officers in a circular letter issued in 1973 by the Chief Medical Officer and the Chief Dental Officer and this advice has our full support. We consider that there may be a risk that arrangements for storing and reheating cooked foods such as pies and sausage rolls are far from ideal in school tuck-shops and may therefore involve a health hazard. We recommend that authorities should satisfy themselves on this count by enquiries in their schools" (paras. 36-37)



We RECOMMEND that Branches and Stewards use the advice of the D E S Working Party Report, which is the authoritative report on nutrition in schools, to bring pressure on schools to abolish tuck-shops.

Frozen and convenience foods

A number of authorities have attempted to cut staffing costs by introducing frozen or convenience foods and this development was encouraged in the January 1978 DES circular. While we accept that frozen and convenience foods may be nutritionally adequate, we RECOMMEND that Branches should oppose any cutbacks in staffing as a result of their introduction. There are in any case doubts over the quality of meals which include frozen and convenience foods, and Branches should emphasise to authorities the importance of monitoring nutritional standards as stated in the DES circular.

In opposing the introduction of frozen and convenience foods, and arguing against staffing reductions, Branches can point to the D E S Working Party Report on Nutrition in Schools, which stated that:

"While convenience foods may ... enable savings to be made in labour, equipment or capital costs, their widespread use on a substantial scale may have nutritional implications. School caterers may be uncertain about the food value of the ingredients used and may not know when these are varied." (para 45)

The D E S Working Party Report urged authorities to ensure adequate standards and regular monitoring.

If pressure is placed on authorities, this can lead to the reversal of any policy to move away from fresh food. For example, the Coventry City Council were persuaded by the Union in early 1977 to return to the conventional system of meals production after an experiment on the use of frozen and convenience foods. The Council gave two reasons for their change of mind - that the economies of introducing such food did not justify the outlay of capital expenditure, and that the system could have an adverse effect on nutritional standards.

Where authorities plan to move away from fresh foods, we RECOMMEND that Officers and Branches should ask for information on nutrition, and for detailed costing figures to prove that cuts in staffing costs would outweigh the increased costs of introducing and buying convenience foods.

Cook/freeze production

However the difficulties caused by the developments outlined above are minor in comparison with the potential threat to job opportunities in the school meals service from the introduction of cook/freeze systems. This is a capital-intensive form of catering in which meals are prepared and cooked in a central production unit on a continuous basis before being blast-frozen and stored; they are then transferred as required to end kitchens where the food is regenerated and served. A full cook/freeze system therefore replaces self-contained canteens and central kitchens by a central production unit and end kitchens.

Working party report

We cannot emphasise enough our concern that the use of cook/freeze systems will become increasingly widespread, with disturbing long-term implications for staffing in the school meals service. It could lead to:

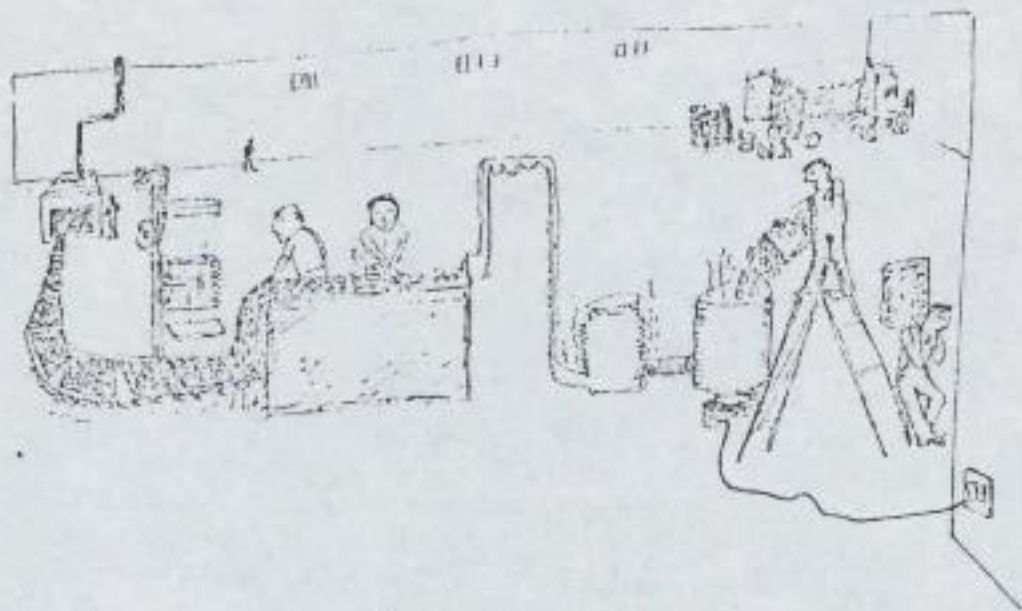
- (a) A drastic reduction in the total number of staff employed in the service. In Leeds, for example, it is planned to replace 14 central kitchens, where 280 kitchen staff produce 19,000 meals daily, by a cook/freeze system eventually producing 30,000 meals with only 70 staff.
- (b) The replacement of part-time jobs in local self-contained kitchens by a much smaller number of full-time jobs in a central unit in a town or area. Such a change would eliminate all the advantages of working in the service for women who need a part-time local job with school holidays.
- (c) The destruction of traditional craft cooking skills and the dehumanisation of work in the service. The majority of staff would either perform manual repetitive tasks in the central unit; or would merely regenerate and serve food in the end kitchens.



The Working Party opposes the introduction of cook/freeze production and this view has been endorsed by the Local Government National Committee and Executive Council; and we support NUPE members who are campaigning against its introduction. Our negotiators have also raised this issue on the Trade Union Side of the National Joint Council, who have supported NUPE's view. We have three major reasons for our opposition:

a Employment

NUPE must oppose the introduction of cook/freeze if we are to protect the jobs of our members; and we firmly believe that jobs must be protected at a time when 1.4 million people are unemployed. The introduction of new technology in manufacturing industry and offices poses the prospect of mass unemployment well into the 1980s; and it is essential that jobs are provided in other sectors, particularly the public services, to maintain employment and improve the quality of life of all who depend on those services. In addition we must recognise that the school meals service is one of the major areas of employment for women, providing over 300,000 jobs, and that those women would find great difficulty in securing other jobs that would enable them to combine childcare with employment.



b Finance

We do not in any case believe that the evidence is available to prove that cook/freeze production will give the savings required to justify the huge capital costs. While such systems might appear to give a low unit cost per meal, any examination of costings must also take into account the heavy cost of interest and debt repayments over many years. For example, while the discussions on the Leeds project were under way, the estimates for the capital costs rose from £2.1m to £3.7m between February and September 1977. We do not believe that ratepayers will happily bear such costs at a time of cutbacks on capital spending elsewhere in the public services, when there is no clear evidence of substantial savings in the cost of the service. Such savings were not obvious in the detailed figures provided by Leeds City Council — the most extensive cook/freeze system planned to date in the school meals service. The Layfield Report on Local Government Finance indicated the burden placed on local authority resources by charges on loans for capital spending, and we do not believe that there is any justification for adding to the burden of this debt.

c DES evidence

In September 1977, NUPE challenged the Department of Education and Science to prove that the introduction of cook/freeze systems would be beneficial. Since then the DES has not made available publicly, or to the Union, any evidence that would overcome our fears on costing; safety and hygiene; nutrition; the effects of mechanical breakdowns, power cuts and interruptions of the production process; design etc. Yet in the January 1978 DES circular (para 9), they encouraged the introduction of cook/freeze systems on the basis that this would allow economies through staffing cuts; and that space would be saved in new schools which would only require regenerating kitchens.

We are pleased to be able to report that as a result of pressure from NUPE, the Under Secretary of State for Education informed members of the Working Party and Union Officers at a meeting in January 1979 that the DES are not now making any particular efforts to encourage authorities to introduce cook/freeze systems. The Union has also been able to persuade the Government not to make

a grant towards the capital costs of the Leeds project — as a result of a major local campaign by NUPE members, combined with pressure from the Union nationally and from NUPE's sponsored MP. In a number of other parts of the country, NUPE members have campaigned successfully to resist the introduction of cook/freeze.

However, there is no doubt that the use of cook/freeze will increase. We have information on systems in operation in parts of Liverpool, Cheshire, Hereford and Worcester, Maidstone and Manchester. We also know of a number of other places where authorities are planning to introduce cook/freeze. We RECOMMEND that Branches should inform their Area Officer if there is any suggestion of its introduction in their area; and that the National Officer should be contacted immediately.

Purchasing policy and food wastage

One of the areas where economies can legitimately be made in the service is in purchasing and food wastage. Authorities all too often make false economies by placing contracts with suppliers who make the lowest tenders regardless of the quality of the food and this can lead to wastage. As we state in Section F below (page 44), such problems will only be overcome if school meals staff are involved in the process. We RECOMMEND that there should be a formalised procedure for staff to make complaints against contractors providing inadequate supplies. In some places there are complaints forms in every kitchen, which are considered by the authority in conjunction with the suppliers' tenders when annual contracts are granted. Appendix D gives an example of the complaints form used in Glasgow. We also RECOMMEND that Branches should press for representation on the local authority committee with responsibility for purchasing and placing contracts.



Education

JS
cc Co

10 DOWNING STREET

From the Private Secretary

9 October 1979

SCHOOL MEALS

The Prime Minister was grateful to your Secretary of State for sending his minute of 5 October and the paper which was attached to it. She would be glad if Mr. Carlisle would now consult his colleagues about the various alternatives on the timing of price increases and other measures which might be taken, and if the result of that consultation could be reported to her in due course. She has not ruled out the possibility of a January increase, but has not endorsed it either.

The Prime Minister is also concerned that LEAs should not be relieved of the responsibility for charge increases by enabling them to put all the responsibility on Central Government.

Finally, the Prime Minister is anxious that arrangements for free meals for those who need them should continue without authorities being given the option of ending those arrangements.

I am copying this letter to Martin Vile (Cabinet Office).

N. J. SANDERS

Peter Shaw, Esq.,
Department of Education and Science.

CCM



file SR

10 DOWNING STREET

From the Private Secretary

B/F 11-10-79

8 October 1979

School Meals

I shall be writing later about the Prime Minister's reactions to your Secretary of State's minute of 5 October, but as a starting point I have been asked for some more details about one aspect of the Department's paper. In paragraphs 9 and 12 there are references to NUPE opposition to job reductions and staff cuts. Can you provide any documented examples to support those references? I have simply been asked to find out whether these events have occurred in only a few local authority areas or whether they have been more widespread.

Could you please let me have a note during this week?

N. J. SANDERS

Peter Shaw, Esq.,
Department of Education and Science

CONFIDENTIAL

PRIME MINISTER

School Meals

When you saw Mr. Carlisle's minute of 5 October (Flag A) you suggested (Flag B) that he might go for the middle way of giving local authorities flexibility to increase their prices from January without increasing the national charge. I am sorry that in my covering note I did not make it clear that the Education Bill will have to be enacted before this route can be followed.

I talked to the DES again about the question. They explained that the reason why Mr. Carlisle is considering the possibility of increasing the national charge in January is not because LEAs need the extra revenue in financial 1979/80 - they do not, although it would be a bonus - but that he is worried that unless some move is made fairly soon, education committees will come under pressure to find savings for 1980/81 from the education system proper rather than from meals and transport.

Other Ministers obviously have an interest in all of this, but they have not yet been consulted because Mr. Carlisle wanted to take your mind before setting in motion discussions which might have proved fruitless. Given that you have not ruled out altogether the possibility of a January increase, shall we now say to Mr. Carlisle that he should raise the various alternatives with his colleagues and come back to you in due course, while making it clear that you would not be enthusiastic about an increase which could be represented - especially by Labour local authorities - as forced on them by central government?

Yes please -

MS

8 October 1979

CONFIDENTIAL

CONFIDENTIAL

1

PRIME MINISTER

School Meals

You asked a number of questions about school meals a few days ago, and I thought it might be helpful for the DES to prepare a general note on the subject for you to see. Here it is.

It contains all sorts of extraordinary figures, notably the range in cost between the most expensive meal and the cheapest and the table on page 4 showing the underlying reasons for the cost increases of recent years.

Mr. Carlisle, after some hesitation, decided that in submitting this paper to you he would raise with you the possibility of an early increase in the school meal charge. He has not consulted other Ministers about this yet, but wanted to have an early reaction from you on the general proposition. 5p on the cost of the meal would add 0.1% to the RPI; 10p would add 0.2%. 5p on the cost of a meal would yield something like £40 million in a full year; 10p would yield £80 million.

Mr. Carlisle's purpose in floating the idea now is to see whether you would rule out absolutely the prospect of a rise in January - which would be only one term after the increase to 30p took effect in September. I am bound to say that unless the financial case is much more convincing than Mr. Carlisle suggests, I think that the impact of a further increase as soon as next January, while the Education Bill is still before the House, would be very damaging. It would also place the odium largely on central government and give no opportunity to put on local authorities a simultaneous responsibility to take action to reduce costs (because the Bill would not yet be law).

/ But it may very well

CONFIDENTIAL

But it may very well be that some increase in the charge is necessary to enable local authorities to make the savings which Mr. Carlisle is demanding of them and that it will have to be brought in to prevent bigger cuts elsewhere in education.

What would you like to say in response? Would you be prepared to say that any suggestions for a price increase would of course have to be discussed with colleagues in the normal way and then, because of their political importance, brought to you, but that on the basis of the information you have at the moment your own inclination is that any increase in January would be highly undesirable and Mr. Carlisle ought to be looking into the question of whether a rise in April is essential if the savings target is to be met?

Do not use wisdom of this

Provided we can do it by Order for Jan 1980 (can we?)

I suggest that we do not force a national charge - that we leave local authorities to determine their own charge - but they must make arrangements for 'free needs to schools' - do that in need. The L.E.A.s are pressing us to do that. The L.E.A.s are responsible - and we should be no need to increase the charge.

5 October 1979

of the responsibility - and we should be no need to increase the charge.

PRIME MINISTER

SCHOOL MEALS

You asked for a note about the school meals service as it is at present. I attach a note that has been prepared by my officials.

2. At the meeting I had with them on 3 October, both the Association of County Councils and the Association of Metropolitan Authorities reaffirmed their complete support for my strategy of seeking the major economies we require next year from the provision of meals, milk and transport. But it is clear from that discussion that the task facing the local authorities in securing a halving of expenditure on the meals service next year is formidable. In expressing doubts about their ability to achieve the full savings - doubts which I myself expressed in July in MISC 11 - the associations emphasised to me the need to have new legislation on the statute book by the beginning of the new financial year. In addition, since to halve net expenditure it would be necessary for them both to reduce gross expenditure and to increase revenue, they urged upon me the need for an increase in the charge in January 1980.

3. What the associations would like would be for the national charge for the school meal to be increased by 10p in January in order to give them the greatest opportunity to achieve the full savings on school meals. Clearly such a step would be unpopular and the timing would be awkward for wage negotiations, although a 5p increase may not prove unacceptable. Whether or not we increase the national charge it is very important that the Education Bill should become law as soon as possible. Should the Bill be delayed in Parliament and not seem likely to receive the Royal Assent before the beginning of the next financial year we will need to consider urgently in the New Year whether a price increase should be made from April.

4. It would be helpful to have your views on the question of the charge.

5. I am copying this minute to Sir John Hunt.

P A Shaw

PP MARK CARLISLE
(Approved by the Secretary
of State and signed in his
absence)

5 October 1979

THE SCHOOL MEALS SERVICE IN ENGLAND AND WALES

2

STATUTORY BASIS

attached |

1. The statutory duties presently placed on LEAs in respect of the provision of school meals and milk were described briefly in Appendix 2 of H(79)49. A summary of financial and non-financial statistics was given in Appendix 1 of that paper.

NATURE OF THE SCHOOL MEAL

2. In primary schools, a traditional two-course meal with no choice or, for juniors, a simple choice is customary. About half of the meals provided will include a meat dish, the rest being based on fish, offal, egg, cheese etc. In secondary schools, the traditional meal is still the most common, but with more choice of main dish, vegetables etc. In an increasing number of secondary schools, the cash cafeteria system has been introduced, under which individually-priced items are available (see paragraph 17).

3. The school meal is, in general, good value both in terms of what it costs the LEA for food and labour and what it costs the parent. Naturally the quality of the meal and the production cost varies between schools and between authorities, but poor schools and authorities are more than outweighed by good schools and authorities, on the evidence of the DES school catering advisers, who visit most LEAs at least once a year. In general, the popularity of the school meal with the children will be determined by the quality of the catering staff and of the food used. But a common reason for complaint is that in 1978 14% of the meals served were still being supplied in insulated containers, transported from central kitchens; these are expensive to service, the meals deteriorate nutritionally and in appearance, and choice is always limited. LEAs have been phasing out transported meals as quickly as practicable.

COST OF THE SCHOOL MEAL: 1978-79 OUTTURN

4. In 1978-79, 1100m meals were provided in England and Wales in the course of 196 school days at a net cost of £400m, representing an average cost of 54p per meal. The components of this average cost, and the ranges of variation among LEAs, were as follows.

	Average (pence)	Lowest (pence)	Highest (pence)
Food	16.6	13.2	20.3
EEC Subsidy	(0.3)	-	-
Kitchen & Canteen Staff	24.6	19.2	33.9
Midday Supervisory Assistance	4.1	1.8	7.6
All other overheads	9.0	not yet available	
TOTAL GROSS COST	<u>54.0</u>	44.3	70.8

Note (a) 'All other overheads' include fuel and power, maintenance, establishment costs and rates.

(b) The ranges exclude Liverpool, a cook-freeze authority, but see paragraph 9 for its costs.

(c) 'Lows' occur in different authorities; similarly for the highs.

5. A substantial but unknown proportion of the variation between authorities arises from circumstances beyond the control of the individual LEA rather than from differences of policy or efficiency. For example, an authority with a high proportion of small schools distributed over a large area will not be able to achieve the same buying terms for food as a compact metropolitan district; and size and type of kitchen influences the unit cost as the following table shows.

UNIT COST

	Standard Staffing Cost (pence)
Self-contained Kitchen providing 500 meals per day	17.67
" " " " 250 " " "	19.21
" " " " 75 " " "	23.92
Dining centre serving 75 transported meals per day	25.81

6. Within the average cost of the meal, food cost is low partly because of bulk-buying, contract prices being lower than retail prices, and partly because it can be reduced at short notice in response to calls for economies. Over the last decade, expenditure on food has declined in real terms by, for example, selecting cheaper cuts of meat or by using protein substitutes for meat. The food is nevertheless nutritious, though limited in variety.

7. The staffing costs are high because meals are provided for about 39 weeks in the year whereas the staff are paid for the equivalent of 48 weeks (see paragraph 14), and because the costs of midday supervision represent a significant overhead. It could be argued that this should not be regarded as part of the cost of providing a school meals service; supervision of the meal itself is only part of the total supervision requirement, and expenditure on this is virtually impossible to reduce, not least because of the increasing reluctance among teachers to volunteer for this task (within the terms agreed in 1968 between their representatives and the local authorities regarding their responsibilities for supervising pupils during the midday break.)

RELATIVE MOVEMENTS OF COSTS DURING THE 1970s

8. Over the last decade, overheads have increased from 165% of the food cost to about 225%. This is partly because the food cost has been reduced in real terms over that period (see paragraph 6) and partly because, as the following table shows, the wage rates of local authority manual workers have increased more rapidly than prices or earnings generally.

TABLE OF INDICES \pm 1968-69 = 100

	COST PER MEAL		GENERAL INDEX OF RETAIL PRICES FOOD	INDEX OF AVERAGE EARNINGS	HOURLY RATE FOR GENERAL KITCHEN ASSISTANTS
	FOOD	OVERHEADS			
1970-71	112	122	115	122	133
1974-75	212	263	194	211	325
1978-79	344	467	363	373	511

Note. The local authority manual workers have been particularly affected by:-

- (a) the Scamp arbitration award in 1970;
- (b) the 5 stages in the implementation of the Equal Pay Act, 1970 - between September 1971 and January 1975, staff moved from 75% to the full 'male rate for the job';
- (c) the threshold awards in 1974;
- (d) the subsequent incomes policies which gave fixed cash, rather than percentage, increases.

CATERING SYSTEMS

9. Cook-freeze catering, in which traditionally prepared foods are deep-frozen for subsequent regeneration, involves high capital cost but is economic if it replaces the high-cost central kitchen

and transported (insulated container) meal system. It is not economic to replace existing on-site self-contained kitchens, but it can be economic when new schools or kitchens are to be built, because lower space standards can then be adopted. Several LEAs have introduced and others have attempted to introduce cook-freeze systems on a relatively modest scale, but in most cases no further progress is possible because of NUPE opposition to the consequent reduction of jobs. Only Liverpool has more or less fully converted its school meals service to cook-freeze catering; there, the average unit cost of the meal is about 54p, which includes about 23p for food and 16p for catering labour. (National average figures: 54p, 17p and 25p - see paragraph 4).

10. Cook-chill catering involves lower capital and energy costs than cook-freeze systems, but is not well suited to school catering, mainly because the food, once prepared, must be used within 2 or 3 days, requiring accurate prediction of demand if waste is to be avoided, and because storage temperatures need to be kept under strict control, within a narrow range, if there is not to be a health hazard.

11. The majority of authorities operate a traditional system where meals are prepared on site, mainly from raw ingredients. With good staff, this gives best results, but it is vulnerable to the variation in the quality of staff and of staff-training in individual authorities, and the system is relatively expensive because it is labour intensive.

12. Maximum use of bought-in convenience foods (pre-prepared vegetables etc, partly processed food stuffs and so forth) can yield reductions of kitchen and canteen staff costs of up to 40%, which more than compensates for the higher cost of the food. Reduction of other overheads is then possible because the kitchen size can be reduced to match the fewer items

of heavy equipment (which also tend to be more specialised and efficient), as when new kitchens are being built - or existing kitchens are being converted. NUPE opposition to staff cuts has prevented those authorities which have tried to introduce the system from achieving the full potential savings.

SCOPE FOR ECONOMIES - WITHIN THE PRESENT STATUTORY FRAMEWORK

13. A survey of all LEAs was made in 1977, to identify the economies they were making in order to achieve a reduction in expenditure of £30m. The results were drawn to the attention of all LEAs by means of a DES circular, but most had achieved economies by reducing food costs; few authorities had been able to make savings in the short term on overheads.

14. If an authority is not running its school meals service efficiently, there is little that the Department can do, even within the present statutory framework, to bring direct pressure to bear. However, its two school catering advisers spend much of their time visiting LEAs and are able to help authorities to identify and introduce cost-reducing practices. In the most costly area of the school meals service, labour, the Department has no influence because wage rates and conditions of service of manual workers are negotiated between the local authorities and the unions in the National Joint Council. Some features of the annual agreement are arguably no longer appropriate. For example, the half-pay retainer to staff during the school holidays is unjustified now because, in general, the only staff recruitment problems are for posts of responsibility such as cook-supervisor, where the pay differential is inadequate to compensate for the added responsibility.

SCOPE FOR ECONOMIES - WITHIN THE PROPOSED STATUTORY FRAMEWORK

15. It is proposed to introduce legislation to give LEAs freedom to decide what, if anything, to provide as a midday meal

or refreshment; the only requirement on an authority would be to provide facilities for pupils to eat their own food on the school premises; LEAs would be free to decide what to charge for anything they provided as well as the circumstances in which to remit the charge; they would also be free to decide whether or not to provide school milk.

16. The Government intention is that the rate of spending on meals and milk should be halved. There are undoubtedly substantial savings to be made, given the relaxation of the obligations that is to be introduced, and even though most if not all LEAs seem likely to wish to continue to provide some form of meal or refreshment service. But because of the time needed to plan and introduce change, it will not be easy to achieve the target reduction in expenditure in the first year. In particular, staffing reductions have to be negotiated or achieved within the terms of employment legislation. In order to achieve a substantial reduction in net expenditure on the service, an LEA would need:-

- (a) to reduce the unit cost of the meal (which means cutting down significantly on catering staff, the scope for which exists as indicated in paragraph 12);
- (b) to reduce the subsidy to the paying pupil (at present about 50%; again there is scope for this ie an increase in charges); and
- (c) to reduce the number of free pupil meals (entitlement to free pupil meals is at present relatively generous, compared with entitlement to supplementary benefit (SB) and family income supplement (FIS) - it is believed that about 40% of pupils get free meals because parental income is below the qualifying levels, though above what would entitle them to SB/FIS);
- (d) to reduce the number of free adult meals (strictly speaking, the meals for catering staff and midday supervisory assistants are heavily subsidised rather than free, because their

hourly wage rates are abated by 1.46p to take account of the meal provided, though this rate has not been changed since it was introduced more than 10 years ago; reducing the number of such meals is dependent on reducing the number of catering staff; free meals for teachers result from the terms of an agreement reached in 1968 between LEA and teacher representatives, a teacher who supervised pupils during the midday break being entitled to a free meal).

Appendix 4 to H(79) 49 gives some additional detail.

17. The important freedoms for LEAs will be the removal of the centrally-prescribed standards for the meal and the centrally-prescribed charge. In particular, the new powers will enable LEAs to provide a service for secondary pupils that would be more in line with what the children would prefer, namely a snack-meal service involving individually priced items such as meat, pie, egg and cheese flan, chips, baked beans etc. In schools where this system has been introduced on an experimental basis, and Sheffield is probably the pioneer authority, the take-up of meals has increased significantly. At present the pricing policy is generally related to the national charge and the 50% subsidy; in 1980-81, an authority will be free to determine its own pricing policy. The cash cafeteria system is probably not applicable to younger pupils, because of the problems arising from multiple choice and cash handling. In primary schools, an authority will probably have to introduce a simpler meal at a higher price than at present.

LOWER INCOME FAMILIES

18. About 1m children daily get their school meal free because the net income of their parents is below the qualifying level set in statutory regulations. These are thought to represent between

60% and 80% of the true entitlement to free school meals. Of the 1m total, about 600,000 pupils are believed to belong to families that receive supplementary benefit or family income supplement.

19. The financial consequences for families which lose free school meals could be substantial, particularly if there are several children of school age. Furthermore, if an LEA were to limit free meal entitlement to SE or FIS "passport holders", then there would be serious poverty and incentive trap implications. For example, a family on FIS with two children at school would, on losing the last FIS payment of 50p per week, also lose school meals benefit valued, at present, at £3 per week for the two children. If, in addition, present entitlement to free home to school transport were lost and an LEA charge had to be paid - perhaps of between £2 and £3 per week, the family gross income would need to rise by about £14 per week if the family were not to be worse off as a consequence of losing FIS entitlement. It is of course almost certain that there will be families in similar financial circumstances who do not take up an entitlement to free meals and who already pay high subsidised transport costs because they live less than the statutory walking distance from the children's school.

NUTRITION

20. The nutritional standards recommended by the Department are that the school meal should provide about $\frac{1}{3}$ of the average daily requirement of calories for the 5-16 year age range, and between $\frac{1}{3}$ and half of the average daily requirement for protein. Within the last few months, the DHSS Committee on Medical Aspects of Food Policy has revised downwards the recommended daily amounts of nutrients, the reduction for children of school age lying between 5% and 10% of what the Committee had previously recommended. This is simply the latest stage of a downward trend since 1950 in the recommended levels.

21. For the majority of children, a nutritious school meal is a valuable service but reduced standards, or greater reliance on "packed lunches" need not adversely affect their nutritional status. For a minority, however, and not necessarily from the poorest families, concern has been expressed that their health might be put at risk because their diet at home would not be adjusted to compensate for the loss of a 'proper' midday meal at school. Most of this is speculation, however, since there is little reliable evidence about families' eating habits.

COMPARISON WITH OUTSIDE COMMERCIAL STAFF CATERING

22. It is almost impossible to make valid comparisons between the school meals service and other large-scale catering operations because of the variations in accounting conventions (attribution of overheads, for example) and in operating conditions (in schools, the need for supervision etc). However, comparison with the food and catering staff costs of Marks and Spencers staff catering is of some interest.

23. Marks and Spencers staff catering provides about 25,000 meals daily on about 300 days a year at an average cost of about 80p per meal, comprising 50p for food (a 3-course meal) and 30p for labour. The charge to the paying consumer is 10p per day (which also covers refreshment at the morning and afternoon breaks). Catering staff, cleaners etc get meals free, as is customary in the catering industry. Policy is centrally determined - highly subsidised meals, identical menu-of-the-day in every canteen, good catering staff wages, but a sustained management policy of reducing labour costs by increased reliance on convenience foods.

24. The school meals service produces an average of 5½m meals daily on about 200 days in the year at a cost of 54p per meal, comprising 17p for food and 25p for catering staff costs. The paying pupil pays 30p. Kitchen and canteen staff, midday supervisory assistants and teachers who supervise pupils at midday do not pay for their meals. Wages rates are determined in the context of negotiations covering all public sector manual workers. Operational policy for the service as well as management responsibility,

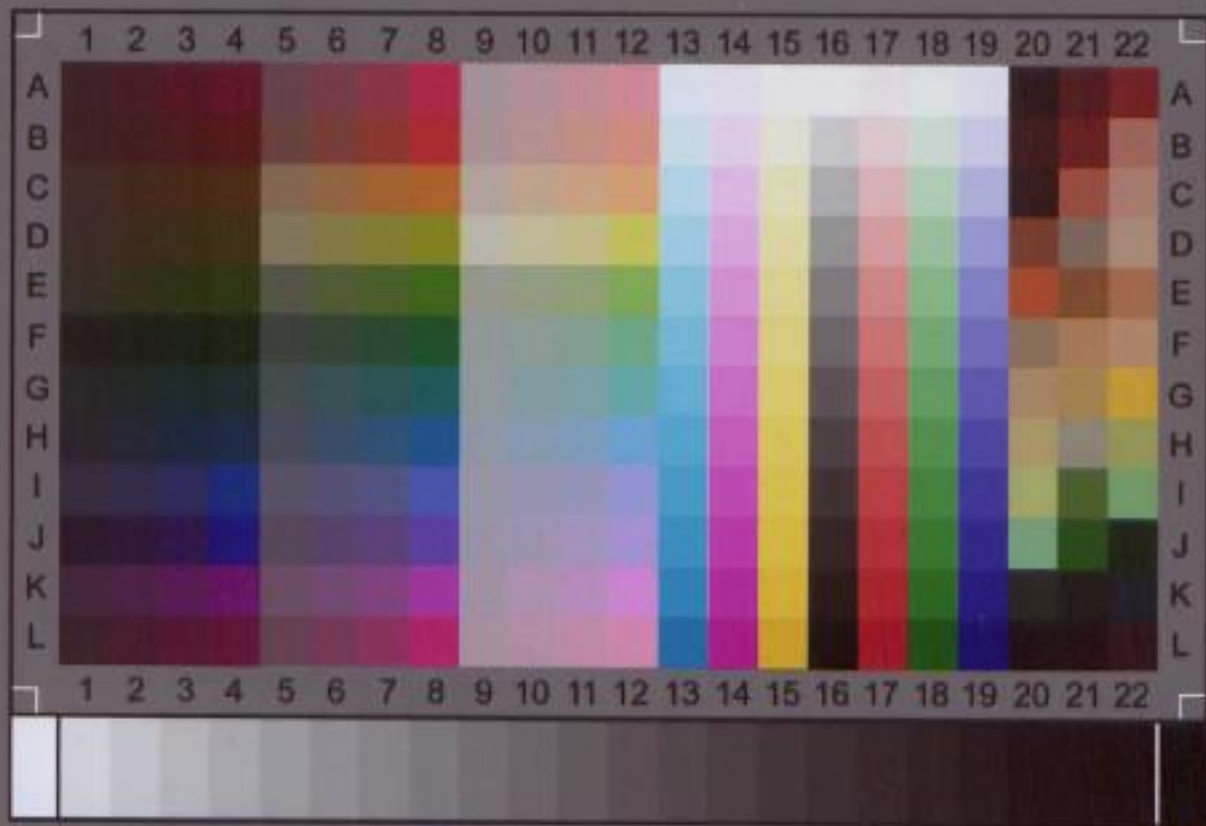
is decentralised to more than 100 individual authorities (in consequence of which, the best LEA almost certainly compares favourably with what any other large-scale catering organisation could provide on the same budget).

SCHOOL MILK

25. Local authorities will have complete freedom to decide whether or not to provide free or subsidised milk. With an EEC subsidy that currently represents about half of the purchase price of the milk, it is doubtful whether any LEAs would withdraw free milk from the present "duty" categories of pupils. Nor does it seem likely that LEAs would introduce charging, because of the burden and cost of collecting the small amounts involved.

DEPARTMENT OF EDUCATION AND SCIENCE

October 1979



IT8.7/2-1993
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