

HTST - Clarification of Extended Rights Eligibility

Committee considering report:	Individual Executive Member Decisions
Date of Committee:	9 July 2026
Portfolio Member:	Councillor Heather Codling
Report Author:	Mark Lewis
Forward Plan Ref:	ID4819

1 Purpose of the Report

The purpose of this report is to propose revisions to terminology in the Council's Home-to-School Transport (HTST) policy in response to the national changes to Free School Meals (FSM) eligibility from the start of the 2026/27 academic year.

2 Recommendation

- 2.1 Approve proposed terminology revisions to the HTST Policy to align with terminology used in revised government policy on FSM and Department for Education (DfE) statutory guidance on home to school travel.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	No implications with this proposal. The threshold for qualification under Extended Rights Criteria will remain the same. The current wording in the HTST Policy, if unamended, would however potentially enable those who are not eligible under Extended Rights to claim eligibility, thus increasing HTST costs.
Human Resource:	No implications.
Legal:	This is a service-based assessment of the legal implications based on knowledge, experience and DfE statutory guidance. Legal input has been sought (17 June).

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	No legal implications with this proposal. The proposed changes to terminology in the HTST Policy will not affect children's eligibility for transport and are considered to be minor amendments. The proposed changes in terminology will not: • impact on parents' choice of school, particularly where travel arrangements have been made to support parents' preference for their children to attend a school with a designated religious character. • financially impact low-income families or families more widely. • impact people with protected characteristics or children with SEND.
Risk Management:	There are no risks to this proposal. The revision to the wording in the HTST Policy will remove the risk of incorrect determination of HTST eligibility and unnecessary spend against the HTST budget.
Property:	There are no Property related issues with this proposal.
Policy:	The proposal relates to: • Section 512 of the Education Act 1996 and DfE guidance for local authorities, maintained schools, academies, and free schools on FSM. • the WBC HTST Policy, Section 39 of the Children and Families Act 2014 and DfE Statutory guidance to Local Authorities on Travel to school for children of compulsory school age.

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	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		No impact
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		No impact
Environmental Impact:		X		No impact
Health Impact:		X		No impact
ICT Impact:		X		No impact
Digital Services Impact:		X		No impact
Council Strategy Priorities:		X		Services We Are Proud of – be transparent in our decision making. A Fairer West Berkshire with Opportunities for All – prioritise support for those who need it most
Core Business:		X		Business as Usual.
Data Impact:		X		No impact
Consultation and Engagement:	People Directorate – DMT Nick Winter, Schools Admissions, Transport and Free School Meals Manager.			

4 Executive Summary

- 4.1 From the start of the 2026/27 academic year there will be two categories of benefits-based free meals:
- (a) **Targeted FSM** - which continues to be based on the existing threshold for FSM, covering pupils who are in households in receipt of Universal Credit with annual household earnings of £7,400 or less. Households that are eligible for targeted FSM will be eligible for additional transport support under Extended Rights
 - (b) **Expanded FSM** - a new category covering pupils who do not qualify for targeted FSM, but who are in households receiving Universal Credit. Households that are eligible for expanded FSM will not be eligible for additional transport support under Extended Rights.
- 4.2 There is currently a single category of benefits-based free meals, which is the same as the targeted FSM category. The current HTST Policy states that additional transport support under Extended Rights applies to pupils who are entitled to 'free school meals.'
- 4.3 The proposal is to revise the HTST Policy wording to make it clear that additional transport support under Extended Rights applies to pupils who are eligible for Targeted FSM only, in line with the revised government policy and statutory guidance.
- 4.4 The proposed revisions will align with revised government policy and will reduce the likelihood of challenges to our HTST Policy, which could result in additional and unnecessary home to school transport costs.

5 Supporting Information

Introduction

- 5.1 The purpose of this report is to propose revisions to wording in the Council's Home-to-School Transport (HTST) policy in respect of additional transport support for low-income families (Extended Rights) in response to government changes to FSM eligibility.

Background

- 5.2 From the start of the 2026/27 academic year, all children from households in receipt of Universal Credit attending maintained schools, academies and free schools will be entitled to receive a free meal. There will also be two categories of benefits-based free school meals. Currently there is one category – those entitled to FSM. The government has made this a legal requirement through the Children's Wellbeing and Schools Act 2026.
- 5.3 This change to create a new category of entitlement (Expanded FSM) will expand FSM eligibility and will bring more children into entitlement. It does not however extend entitlement to transport support (Extended Rights), but nor does it change the current entitlement threshold.
- 5.4 Extended Rights is the term used in transport law for additional free home to school transport entitlement for children from low-income families.

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- 5.5 Low-income families are currently defined, for the purposes of being eligible under extended rights, as in receipt of the maximum level of Working Tax Credit or whose children are entitled to FSM. To be entitled to FSM and thus Extended Rights the net earned household income had to be below £7,400 per annum.
- 5.6 From the start of the 2026/27 academic year eligibility for Extended Rights will only be available to pupils whose parents receive Universal Credit **and** have a net earned household income below £7,400 per annum. This group is defined by the government as the 'targeted FSM cohort' but the entitlement threshold remains the same.
- 5.7 Working Tax Credit has been phased out and claimants have been transferred to Universal Credit, so references to Working Tax Credit have been removed from the DfE Statutory guidance on home to school travel.

Proposals

- 5.8 To update the terminology in the WBC HTST Policy to replace 'free school meals' with 'targeted free school meals' and remove reference to Working Tax Credit where it relates to Extended Rights entitlement.

6 Other options considered

- 6.1 The only other option would be to leave the HTST Policy unamended, but this is not recommended as it would not align with revised government policy and terminology and could potentially enable those who are not eligible under Extended Rights to claim eligibility, thus increasing HTST costs.

7 Conclusion

- 7.1 From the 2026/27 academic year, free school meals will comprise of two categories – 'targeted FSM' and 'expanded FSM'. The expansion of free school meals eligibility does not expand Extended Rights eligibility.
- 7.2 Extended Rights continues to be based on eligibility for 'targeted FSM.'
- 7.3 The current Council HTST Policy wording states that eligibility under Extended Rights applies to pupils who are entitled to 'free school meals.' This was correct when there was just one category of FSM, but with expansion of FSM, this wording now potentially enables those who are not eligible to claim transport support under Extended Rights.
- 7.4 The proposed terminology clarifications ensure the Council's Home to School Transport Policy aligns with updated government terminology and policy on Free School Meals, the DfE home to school travel statutory guidance and removes the risk of those in the expanded free school meals group from claiming eligibility under Extended Rights due to out of date WBC HTST Policy wording.

8 Appendices

- 8.1 Appendix A – Equalities Impact Assessment
- 8.2 Appendix B – Data Protection Impact Assessment

Background Papers:

- None

Subject to Call-In:

Yes: ☐ No: ☒

The item is due to be referred to Council for final approval ☐

Delays in implementation could have serious financial implications for the Council ☐

Delays in implementation could compromise the Council's position: ☒

Considered or reviewed by Scrutiny Commission or associated Committees, Task Groups within preceding six months ☐

Item is Urgent Key Decision ☐

Report is to note only ☐

Wards affected: all Wards across West Berkshire

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West Berkshire Council
Equity Impact Assessment

TEMPLATE

March 2023

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Section 1: Summary details

Directorate and Service Area	People - Education
What is being assessed (e.g. name of policy, procedure, project, service or proposed service change).	Proposed revisions to the WBC Home to School Transport (HTST) Policy.
Is this a new or existing function or policy?	Existing policy
Summary of assessment Briefly summarise the policy or proposed service change. Summarise possible impacts. Does the proposal bias, discriminate or unfairly disadvantage individuals or groups within the community? (following completion of the assessment).	The proposal is to amend the Council's HTST Policy to align with revised government policy on FSM and Department for Education (DfE) statutory guidance on home to school travel. The proposal should have a neutral impact for all as the proposed revisions to the Council's HTST Policy will not affect eligibility for transport support, which remains the same, but rather addresses the expansion of eligibility of FSM. The proposal does not bias, discriminate, or unfairly disadvantage individuals or groups within the community, nor does it impact on actual eligibility.
Completed By	Mark Lewis
Authorised By	
Date of Assessment	28.05.26

Section 2: Detail of proposal

Context / Background Briefly summarise the background to the policy or proposed service change, including reasons for any changes from previous versions.	The proposed change to the Council's HTST Policy has arisen from the government's expansion of FSM. The expansion of FSM eligibility has created two categories of FSM – targeted and expanded. Only those in the targeted FSM group are eligible under Extended Rights. Those families in the targeted FSM group are those families that are already eligible for FSM. The changes to the Council's HTST Policy are needed to reflect the creation of two categories of FSM (previously one category). This will ensure only those eligible under Extended Rights receive transport support.
Proposals Explain the detail of the proposals, including why this has been decided as the best course of action.	The proposed revisions ensure the Council's Home to School Transport Policy aligns with updated government policy on Free School Meals, the DfE home to school travel statutory guidance and removes the risk of those low-income families not eligible under Extended Rights to claim transport support.
Evidence / Intelligence List and explain any data, consultation outcomes, research findings, feedback from service users and stakeholders etc, that supports your proposals and can help to inform the judgements you make about potential impact on different individuals, communities or groups and our ability to deliver our climate commitments.	DfE – Free school meals: guidance for local authorities, local-authority maintained schools, academies, and free schools. DfE – Travel to school for children of compulsory school age: statutory guidance for local authorities.

Equity Impact Assessment

Alternatives considered / rejected

Summarise any other approaches that have been considered in developing the policy or proposed service change, and the reasons why these were not adopted. This could include reasons why doing nothing is not an option.

The only other option would be to leave the Council's HTST Policy unamended, but this is not recommended as it would not align with revised government policy and terminology and could potentially enable those who are not eligible under Extended Rights to claim eligibility, thus increasing HTST costs.

Section 3: Impact Assessment - Protected Characteristics

Protected Characteristic	No Impact	Positive	Negative	Description of Impact	Any actions or mitigation to reduce negative impacts	Action owner* (*Job Title, Organisation)	Timescale and monitoring arrangements
Age	☒	☐	☐				
Disability	☒	☐	☐				
Gender Reassignment	☒	☐	☐				
Marriage & Civil Partnership	☒	☐	☐				
Pregnancy & Maternity	☒	☐	☐				
Race	☒	☐	☐				
Sex	☒	☐	☐				
Sexual Orientation	☒	☐	☐				
Religion or Belief	☒	☐	☐				

Section 3: Impact Assessment - Additional Community Impacts

Additional community impacts	No Impact	Positive	Negative	Description of impact	Any actions or mitigation to reduce negative impacts	Action owner (*Job Title, Organisation)	Timescale and monitoring arrangements
Rural communities	☒	☐	☐				
Areas of deprivation	☒	☐	☐				
Displaced communities	☒	☐	☐				
Care experienced people	☒	☐	☐				
The Armed Forces Community	☒	☐	☐				

Section 4: Review

Where bias, negative impact or disadvantage is identified, the proposal and/or implementation can be adapted or changed; meaning there is a need for regular review. This review may also be needed to reflect additional data and evidence for a fuller assessment (proportionate to the decision in question). Please state the agreed review timescale for the identified impacts of the policy implementation or service change.

Review Date	N/A – no bias, negative impact of disadvantage.
Person Responsible for Review	N/A
Authorised By	N/A

EDI employee related EQiA's should now be sent to Human Resources hrenquiries@westberks.gov.uk.

Appendix B

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	People
Service:	Education
Team:	Education Place Planning and Development
Lead Officer:	Mark Lewis
Title of Project/System:	HTST - Clarification of Extended Rights Eligibility
Date of Assessment:	28.05.26

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
Will you be processing SENSITIVE or “special category” personal data? <i>Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”</i>	☐	☒
Will you be processing data on a large scale? <i>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</i>	☐	☒
Will your project or system have a “social media” dimension? <i>Note – will it have an interactive element which allows users to communicate directly with one another?</i>	☐	☒
Will any decisions be automated? <i>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</i>	☐	☒

Equity Impact Assessment

	Yes	No
Will your project/system involve CCTV or monitoring of an area accessible to the public?	☐	☒
Will you be using the data you collect to match or cross-reference against another existing set of data?	☐	☒
Will you be using any novel, or technologically advanced systems or processes?	☐	☒
Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised		

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.