


New duties proposed for school breakfast clubs

15 January 2025  Philip Wood

This article is part of our series of briefings on [The Children's Wellbeing and Schools Bill](#)

One of the new duties included within the Children's Wellbeing and Schools Bill, is a duty on all schools providing primary education to arrange a free breakfast club for pupils in years Reception to Year 6.

The duty applies to maintained schools, academies, pupil referral units and alternative provision academies as well as non-maintained special schools. The duty itself on the trust or governing body is to arrange the breakfast club, so it doesn't have to be provided directly by the trust or governing body.

“Must be provided each school day for at least 30 minutes”

The breakfast club must be provided each school day, last at least 30 minutes and end immediately before the first school session. It also needs to include breakfast that meets the School Food Standards. (Readers may also want to note that the Bill separately includes provisions to apply the School Food Standards to all academies. This duty has been a contractual requirement in academy funding agreements for some time but will now become a statutory obligation for all.)

The breakfast club does not have to be provided on the school site itself but does need to be in the 'vicinity' of the school, so could for example be provided for a junior school at the neighbouring infant school.

Things to be thinking about

Most schools are not likely to object to this proposal, but key to it will be the funding and resources that come with the new requirement. The DfE has already released an early adopter scheme which schools could sign up to, but at the time of publishing this note the rates of funding have not been disclosed.

From the information previously released, for the early adopters at least, there will be an initial payment for set-up costs with pupil-number based funding that will take into account Ever-6 free school meal eligibility and staffing costs based on geographical location.

There is provision for the Secretary of State to exempt a school from the breakfast club requirement, where providing the breakfast club would seriously prejudice the efficient use of resources or would be contrary to the best interests of the primary pupils at the school. Before any application was made, the school would need to consult with parents and the local authority to get their views. A publicly available list of school that have been granted an exemption will be made available, likely on the DfE website.

Statutory Guidance will be provided both to cover the practicalities of the breakfast clubs and also the considerations of the Secretary of State in relation to exemption decisions. As it will be Statutory Guidance, schools will have to have regard to it when carrying out the duty to arrange a breakfast club.

[Find out more about The Children's Wellbeing and Schools Bill](#) →

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Key contact



Philip Wood
Senior Associate

philip.wood@brownejacobson.com

+44 (0)330 045 2274

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