

CLAIM NUMBER: CO/4815/2020

IN THE MATTER OF PROPOSED PROCEEDINGS:
IN THE HIGH COURT OF JUSTICE
ADMINISTRATIVE COURT

IN THE MATTER OF AN APPLICATION FOR
JUDICIAL REVIEW

B E T W E E N

THE QUEEN (ON THE APPLICATION OF HSI AND HRI BY WAY OF THEIR LITIGATION
FRIEND AND MOTHER BXI)

Claimants



V

SECRETARY OF STATE FOR EDUCATION

Defendant

~~Draft~~ Consent Order

UPON the Defendant's decision in April 2020 to temporarily extend free school meals to children from certain households as specified in the Defendant's Guidance, "Coronavirus (Covid 19): temporary extension of free school meals eligibility to NRPF groups" (the "Temporary Extension");

UPON the Claimants having protectively filed their claim for judicial review on 21 December 2020, challenging the fact that pupils eligible for free school meals under the Temporary Extension were not treated as eligible for the purposes of calculating the pupil premium grant;

Upon the Defendant agreeing to invite all eligible schools to make a claim for additional pupil premium funding if, on the date of the October census (namely 1 October 2020), they had on the school roll any pupils who, at any time between April 2020 and October 2020, were eligible for FSM under the Temporary Extension;

UPON the Defendant committing to implement a process whereby eligible schools can make claims for the 2021-2022 pupil premium grant in respect of their pupils who

meet those criteria, either by June / July 2021, or as soon as reasonably practicable thereafter;

UPON the Claimants being eligible for free school meals under the Temporary Extension on 1 October 2020 and therefore being treated as eligible for the 2021-2022 Pupil Premium Grant, subject to a claim being made by their school through the prescribed process.

IT IS ORDERED that:

1. The identification of the Claimants is prohibited, pursuant to CPR 39.2, and the First and Second Claimants be known as "HSI" and "HRI", respectively, and their Litigation Friend known as "BXI".
2. The Claimants have permission to withdraw their claim for judicial review.
3. There be no order as to costs, save for a detailed assessment of the Claimant's legally aided costs.

Dated 01 day of March 2021



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For the Claimants
Matthew Gold and Co. Ltd
1st Floor, 2D Lodge Lane
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N12 8AF

For the Treasury Solicitor

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For the Defendant (Secretary of State for Education)
Government Legal Department
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Order approved by Hugh Southey QC sitting as a Deputy High Court Judge
Date: 14th May 2021