

Report

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Report to:	Community and Enterprise Resources Committee
Date of Meeting:	21 August 2018
Report by:	Executive Director (Community and Enterprise Resources)

Subject:	Consultation on the Review of Nutrient Requirements for Food and Drink in Schools (Scotland) Regulations 2008
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ provide information around the Scottish Government's consultation on the review of nutrient requirements for Food and Drink in Schools (Scotland) Regulations 2008

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the Scottish Government's consultation on the review of nutrient requirements for Food and Drink in schools (Scotland) Regulations 2008 be noted; and
- (2) that the proposed response, attached as Appendix 1, be approved as the formal Council submission and submitted to the Scottish Government by the deadline date of 29 August 2018.

3. Background

3.1. The Food and Drink in Schools, (Scotland) Regulations 2008 were introduced to ensure that all food and drink served at lunchtimes in schools must meet the strict nutritional requirements, resulting in a balanced and nutritious menu being served to pupils in primary, secondary and assisted special needs schools.

3.2. The main parts of the Regulations placed the following statutory obligations onto local authorities:

- ◆ Local authorities must promote uptake of school meals, in particular free school meals, and a duty to ensure that those receiving free school meals can do so anonymously, as far as is practicable;
 - ◆ Within defined nutrient standards, give local authorities the power to provide children, either free of charge or with a charge, with drinks, fruit, vegetables, bread or cereal based snacks, at any time of the day;
 - ◆ Place a duty on Scottish Ministers and local authorities to endeavour to ensure that all local authority schools are health promoting environments.

- 3.3. When the Regulations were drafted in 2008, they were based on up to date scientific evidence and nutritional advice. Since then, some of that evidence has changed and some of the advice has been updated, for example recommendations in relation to how much sugar should be consumed in a week. As a result, in November 2016, the then Deputy First Minister and Cabinet Secretary for Education and Skills, John Swinney MSP, set up a Technical Working Group (TWG) to review the Regulations in light of the manifesto commitment to increase fruit consumption in schools and recent changes to the Scottish Dietary Goals on the advice of Food Standards Scotland.
- 3.4. The remit of the TWG was to undertake a review of the current school food regulations and provide evidence based recommendations on what changes should be made to them in order to drive further improvement to school catering service provision. This review is now complete and the Deputy First Minister is keen to ensure all those who feel they have something to contribute to this issue are provided with the opportunity to do so before work begins to make legislative changes to the current school food regulations.
- 3.5. The proposed nutritional standards are based on the consensus view of the current science and evidence base in relation to diet and health.
- 3.6. South Lanarkshire Council's Facilities Services have worked in collaboration with colleagues in Education Resources, NHS Lanarkshire and inspectors from Education Scotland to meet the statutory duties as required by the Food and Drink in Schools, (Scotland) Regulations 2008.
- 3.7. All lunch menus served to pupils in primary, secondary and assisted special needs schools comply with the nutrient standards set out in the Food and Drink in Schools, (Scotland) Regulations 2008.
- 3.8. At a recent scoping meeting with nutritionists from Education Scotland, the Service was asked to produce evidence that supported all actions taken by the Service and collaborations with our partners in Education and NHS Lanarkshire to meet the aims of current legislation. The Service designed a template and provided evidence that confirmed compliance and this template will now be taken forward by Education Scotland to assist future inspections.
4. **Consultation on the review of nutrient requirements for Food and Drink in Schools (Scotland) Regulations 2008– consultation ends 29 August 2018.**
 - 4.1. The Council has been asked to respond to a consultation request by the Scottish Government by 29 August 2018. The consultation asks for comments covering 5 sections including:
 - ◆ Offer increased access to fruit and vegetables
 - ◆ Reduce the sugar content of school food and drink provided in schools
 - ◆ Provision of red and red processed meat
 - ◆ A change to the application of nutrient standards in secondary schools
 - ◆ Any other comments
 - 4.2. The proposed submission by the Council to the Scottish Government is contained in Appendix 1.
5. **Employee Implications**
 - 5.1. There are no employee implications associated with this report at this time.

6. Financial Implications

6.1. There are no financial implications associated with this report at this time.

7. Other Implications

7.1. There are no risk or sustainability implications in terms of the proposals contained within this report.

8. Equality Impact Assessment and Consultation Arrangements

8.1. This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and, therefore, no impact assessment is required.

8.2. All necessary consultation arrangements have taken place.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

13 July 2018

Link(s) to Council Values/Ambitions/Objectives

◆ Improve and maintain health and increase physical activity

Previous References

◆ None

List of Background Papers

◆ None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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Consultation Responses*Increase access to fruit and vegetables*

1. What are your views on our intention to amend the current school food and drink Regulations to ensure children and young people are able to access more fruit and vegetables as part of their school day?

In Primary Schools in South Lanarkshire fruit and two vegetables are included as part of the menu, therefore the main impact of the proposed changes would be to increase the portion sizes of vegetables from the current 60 grams to 80 grams.

In Secondary Schools, fruit is offered as part of a two course lunch, however evidence indicates that this is not an option regularly chosen by students. In order not to restrict choice the authority will evaluate the cost of adding a piece of fruit to all two course lunch menus. Vegetables are already included in all main meals and once again will not cause an issue.

Reduce the sugar content of school food and drink provided in schools

2. What are your views on our intention to amend the current school food and drink Regulations to ensure the amount of sugar children and young people can access over the course of the school day is reduced?

The authority strongly agrees with this amendment, as we have seen an increase in interest by South Lanarkshire parents and we also recognise that the issue also appears to be gathering momentum nationally. It is encouraging that food and drinks purchased out with the school campus is also being looked at as schools alone cannot meet the Scottish Dietary Goals. *(The recent announcement that the Advertising Standards Authority to "strengthen" regulations around the promotion of unhealthy food within an 800m radius of schools and other locations where large numbers of young people are to be found at because schools alone cannot)*

It would be most helpful if a national policy was created to cease 'burger vans' operating within an 800m radius of Secondary Schools. Local authorities working in isolation find this difficult to introduce.

It is noted that carbonated sugar free drinks are once again allowed which will assist in encouraging students to stay within a school campus as we can now offer a 'full package of food and drinks that are considered healthy'.

Provision of red and red processed meat

3. What are your views on our intention to amend the school food and drink Regulations to set a maximum for red and red processed meat in primary school lunches and for overall provision in secondary schools?

Clarification is required with regards to this proposal as the Council is of the view that

menus should offer variety and compliance is through pupils choices being restricted to certain menu items per meal, by way of example:

What would be the view of compliance where a menu has 200g of red/ red processed meat over a week but the pupil could not pick all the red/ red processed meat options available on the menu and compliance to the 175g guidelines would be achieved through limiting options to one or other of the choices.

e.g. Mondays menu consists of Spaghetti Bolognese that has 50g of red meat and another choice of a ham baguette containing 50g of red processed meat followed by two days later that week where menu options contain another two 50g options which accumulates to the menu having 200g of red and red processed meat over a week however the pupil can only possibly choose 2 x 50g menu selections thus meeting the standard.

Based on the scientific evidence this would appear to be a sensible strategy, however it should be noted this change is likely to have the most impact on local authority catering in both Primary Schools and Secondary Schools for the following reasons:

Primary Schools

- Ham baguettes have historically been the most popular choice of pupils who opted for a cold menu selection and S.L.C. caterers fielded significant adverse reaction when we omitted this as a choice from a recent menu review.
- There is every likelihood that menu planners will switch from using fresh locally sourced meat to quorn.

Secondary Schools

- At mid morning break, the sale of 'rolls and sausage' along with home baking are very popular choices for students and to limit both at the same time will require menu planners to be very creative in managing the negative feedback from students (the roll and sausage option would need to be stopped to comply with change in guidelines). It is noted that the new standards will be introduced over a period of time which should assist.
- As per the Primary School menus, there is every likelihood that menu planners will switch from using fresh locally sourced meat to quorn.

A change to the application of nutrient standards in secondary schools

4. What are your views on our intention to amend the school food and drink Regulations to enable caterers to provide a service which better supports secondary age pupils to make balanced and nutritious food and drink choices as part of their school day?

Nutritional standards already exist in Secondary Schools; the challenge is in continually making healthy food attractive and how to compete with external food outlets in close proximity to schools.

The introduction of sugary free drinks is welcomed as it offers Secondary aged pupils an element of enhanced drink choice and this in turn will help us to compete

with the attractiveness of external food outlets.

In terms of lunch during the school day, children moving onto Secondary School gain the opportunity in making their own food choices both inside and outside of school. The setting of national guidance to seek to encourage schools and parents to work together e.g. by asking they support keeping younger aged pupils in school during lunch (if physically possible for the school to facilitate this) would help to ensure school pupils have access to a healthy diet. Any move towards this could have staffing and capacity implications for the Council and could increase costs.

When children are allowed outside at lunch times their choices are not always healthy, and even when they appear reasonably healthy, are in fact not, more needs to be done to tackle this issue nationally. Limited advertising is not enough to deter pupils from easy access to unhealthy catering competitors in the nearest row of shops using money given to them by their parents.

Any other comments

5. Do you have anything else you wish to comment on in relation to the nutritional content of food and drink provided in local authority, and grant maintained, schools in Scotland via the School food and drink Regulations?

Numerous fund raising activities, charity, special events and celebratory occasions take place over the school year, some during the school day and others at night or at weekends. At these times there can be food available which would not be compliant under the new guidelines e.g. cakes made by pupils in Home Economics or biscuits or confectionery purchased by Parent Councils. These events serve to bring the community together, help celebrate or mark an occasion and can also generate school funds which enhance resources or support educational trips etc.

While the Council recognises the need to have nutritional standards that best serve the health of our pupils, we seek clarification on what exactly constitutes 'the school day' and guidance on special events. The Council would be happy to try to ensure such events are better controlled but would not want to completely prohibitive these types of food options e.g. only diet drinks, not sugary drinks, with fruit or healthy snacks also available as well as sweet treats.

We do however concur, that although breakfast clubs are not within the actual 'school day', they should only offer healthy food.