

Report

Report to:	Education Resources Committee
Date of Meeting:	16 March 2021
Report by:	Executive Director (Community and Enterprise Resources) Executive Director (Education Resources)

Subject:	Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2020
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1. Purpose of Report

1.1. The purpose of the paper is to: -

- ♦ provide an update on the implementation of the Nutritional Requirements for Food and Drink in Schools, (Scotland) Regulations 2020.

2. Recommendation(s)

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

- (1) that the content of the report be noted.

3. Background

3.1. The Scottish Government has reviewed the regulations that govern the food and drinks currently provided in schools. This review was conducted by a technical working group, which consulted the public on its proposals in the Summer 2018.

3.2. The outcome of the consultation and the proposed changes to the current food and drink standards were published by the Scottish Government in June 2019, with an implementation date of Autumn 2020. Due to the pandemic this has been extended to 8 April 2021.

3.3. The delivery of food in schools sits within a wide range of food and drink regulations/guidance, however, the principal ones are:

- Standards in Scotland's Schools etc. Act 2000 (the 2000 Act) to ensure that schools are health promoting
- Health Promotion and Nutrition (Scotland) Act 2007 and its associated guidance
- Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2008

3.4. When the Regulations were drafted in 2008, they were based on the scientific evidence and nutritional advice at that time. Since then, some of that evidence has changed and advice has been updated, e.g. recommendations in relation to how much sugar should be consumed in a week. As a result of this, a manifesto commitment to increase fruit consumption in schools and changes to the Scottish Dietary Goals on the advice of Food Standards Scotland, in November 2016, the Deputy First Minister and Cabinet Secretary for Education and Skills, John Swinney MSP, set up a Technical Working Group (TWG) to review the regulations.

- 3.5. The work undertaken by the TWG and the associated consultation exercise focused on the Government's manifesto commitment to align school food regulations with the National Dietary Goals. In the report by the Scottish Government's Technical Working Group the view is that overall, the population consumes too many calories, too much fat, salt and sugar and, therefore, the new goals focus more on reducing sugar, increasing fibre and reducing red meat. The nutritional standards are, therefore, aimed at aligning to these goals and include:-
- providing more fruit and vegetables with all meals, while reducing or removing fruit juice drinks.
 - significantly restricting the amount of red and red processed meats being offered as part of the weekly menu.
 - proposals also aim to further increase fibre through further restricting baked goods while setting higher fibre levels for menu items. An example being, white bread or white bread products such as Paninis, baguettes and wraps must contain a minimum 3% AOAC fibre per 100gr.
 - chocolate, crisps, cakes, drinks and snack options are already restricted at lunch and these will be further restricted at all times e.g. breakfast clubs, interval and after school settings. A typical example being corn flakes or wheat bites as the only cereal and no fruit juices.

4. Current position

- 4.1. The current nutritional standards are calculated on a weekly basis using sophisticated software and analysis of the average weekly menu. These are also aligned to food standards guidance which restrict products such as confectionary, fried goods and drinks. There remains, at present, a level of choice for pupils across the week with some higher calorie, fat, and sugar items available daily, although meeting the standards of a healthy menu over the course of a week. This will now change to a daily analysis of menus.
- 4.2. The recommended actions should be seen as a positive approach in teaching children early what a normal healthy diet should be, however, it should be recognised that there is likely to be a negative reaction to the options available through the new menu, similar to the issues identified during the roll out in 2009 of Hungry for Success e.g. initial reduction in school meal uptake.
- 4.3. Food served in schools should be an exemplar of healthier choices, however, it should be recognised that changing culture and normalising healthier lower fat, sugar and salt choices will be challenging and requires a co-ordinated approach across the Council. As we have known of the changes in legislation for around 2 years now, Facilities Services have gradually introduced some of the main changes in recent lunch menus in the hope that the negative reaction to uptake is reduced.
- 4.4. It is recognised that changing eating habits is an evolutionary process and evidence shows that changing food choices can be achieved through early intervention with young children early with the support and opt-in by parents and families. Our early years and childcare settings are evidence where effective change takes place and with the involvement and direct support of family members, such as mums, dads, grandparents, carers and other family members. This is evidenced through the popularity of healthy snacks and family healthy eating activities which take place in our nurseries. The aim being that these food awareness and health eating habits will continue to be that children and their families will continue to follow balanced with the need to show that it is affordable.

5. Amendments of Food and Drinks in Schools Regulations

- 5.1. Within the Primary and Secondary school settings, including pupils with assisted special needs, there are 3 sets of standards that apply:
- *At the school lunch*
 - *Outwith the school lunch*
 - *Across the school day*

- 5.2. The Regulations are broken down into food and drink standards and nutrient standards:

The food and drink standards apply to all food and drink provided to children and young people at any time of the day and define the types of food and drinks that must, can or cannot be offered including but not limited to:

- lunchtime
- breakfast clubs
- tuckshops
- vending machines
- mid-morning services
- community cafés serving children and young people during the school day
- before/after school clubs and nurture clubs.

The nutrient standards apply only to primary school lunch, secondary school analysed lunch and secondary school hostel evening meal (School hostel activities do not apply in SLC). They set out the amount of nutrients that children and young people should receive from these meals.

- 5.3. The standards for food and drinks within schools are contained within Appendix 1.

6. Actions Taken to Implement New Standards

- 6.1. The following provides an update on the actions taken to meet the new regulations:

- ***Producing Compliant Menus***

The service has worked with suppliers, other local authorities and HNI nutritional inspectors on identifying alternative products that are available to allow compliant menus to be produced.

- ***Nutritional Analysis Software***

The service purchased the new Nutmeg software package to provide daily energy levels of menus and weekly nutrient content of menus.

- ***Support for Implementation***

A learn online course has been produced by Facilities Services, in conjunction with the training department and Education Resources to ensure that all staff involved in the delivery of school food fully understand the new standards and their implementation.

The course has already been undertaken by catering staff, education support staff and is being rolled out to teaching staff. It is anticipated that around 1,750 will undertake the course.

- ***Guidance***

Comprehensive guidance has been released by the Scottish Government to support the effective implementation of new standards and to strengthen advice on the whole school approach to food and drink.

- ***Evaluation of Impact on School Food Provision***

Measures to evaluate the impact of the standards will be put in place from the outset with Facilities Services continuing to provide meal uptake data before, during and after implementation.

The government's self-assessment tool kit will be completed for each school.

There is also a wider survey being undertaken by Professor John H. McKendrick, Scottish Poverty and Inequality Research Unit (SPIRU) at Glasgow Caledonian University that will track the benefits and changes across the public sector

- ***Timescales***

The date of 8 April 2021 has been set for menus to be compliant, however, this is during the easter break. To allow deliveries to take place w/c 19 April, South Lanarkshire's school menus will be fully compliant from 26 April 2021.

- ***Communications and Engagement Strategy***

Communication with stakeholders including parents and 3rd party groups using Council premises and supplying food is required. New promotional communications are being produced.

7. Employee Implications

- 7.1. Within Education Resources there are no employee implications except to raise awareness of the forthcoming changes and participate in the learn on-line training course.

8. Financial Implications

- 8.1. The provision of this service and corresponding budget is managed by Community and Enterprise Resources.

9. Climate Change, Sustainability and Environmental Implications

- 9.1. The new regulations encourage Councils to introduce a wider range of seasonal and local produce that will have a positive impact on climate change and sustainability.
- 9.2. The Service will continue to provide information on changes within the service that will have an impact on the environment to ensure these are reflected in ongoing performance reports for the Council and for national returns.

10. Other Implications

- 10.1. Failure to implement the new standards within the prescribed timescales would result in negative feedback for the Council for failure to comply with legislation.

11. Equality Impact Assessment and Consultation Arrangements

- 11.1. This report does not introduce a new policy, function or strategy nor recommend a change to an existing policy, function or strategy and therefore, no impact assessment is required.

Michael McGlynn
Executive Director (Community & Enterprise Resources)

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Executive Director (Education Resources)

23 February 2021

Link(s) to Council Values/Ambitions/Objectives

- Improve and maintain health and increase physical activity

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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Appendix 1

Food and Drinks standards contained within the Schools Regulations

At a glance - food and drink standards for **primary school lunches**

1. Fruit and vegetables At least two portions of vegetables and one portion of fruit must be offered every day.
2. Oily fish must be provided at least once every three weeks.
3. Red and red processed meat No more than a total of 175g of red and red processed meat (cooked weight) can be provided in school lunches over the course of the school week, of which no more than 100g (cooked weight) can be red processed meat.
4. Sweetened baked products or desserts Sweetened baked products or desserts can be served no more than three times per week and only where they meet the specified criteria.
5. Breakfast cereals Only breakfast cereals meeting specified criteria can be provided.
6. Deep fried and fried foods Food that has been deep fried in the cooking or manufacturing process shall not be permitted more than three times in a week. Chips must only be served as part of a meal.
7. Savoury snacks Only plain savoury crackers, plain oatcakes and plain breadsticks can be provided.
8. Bread All bread and bread rolls must contain a minimum of 3g of AOAC fibre per 100g.
9. Sweetened yoghurts, fromage frais and other milk-based desserts Only Sweetened yoghurts, fromage frais and other milk-based desserts meeting specified criteria can be provided.
10. Pastry and pastry products Pastry and pastry products must not be provided more than twice per week including school lunch and at other times of the school day.
11. Oils and spreads Only oils and spreads high in polyunsaturated and/or monounsaturated fats can be used.
12. Table salt and other condiments Additional salt cannot be provided. Condiments (if provided) must be dispensed in no more than 10ml portions.
13. Confectionery No confectionery can be provided at any time of the day either as a separate product such as a chocolate bar or as an ingredient in products under any other standard such as sweetened baked goods or pastry items.
14. Drinks Only the following drinks can be provided at any time of the primary school day: Plain still or sparkling water Plain lower fat milk Plain, lower fat, calcium enriched milk alternatives No added sugar, lower fat milk drinks No added sugar, lower fat drinking yoghurts

At a glance - food and drink standards that apply to provision at all other times of the primary school day. For example, **breakfast clubs, vending machines, mid-morning break, tuckshops and after school clubs.**

1. Fruit and vegetables Portions of fruit and/or vegetable must be made available in any place within the premises where food is provided.
2. Oily fish No standard applies.
3. Red and red processed meat No red or red processed meat can be provided.
4. Sweetened baked products or desserts Only sweetened baked products or desserts that meet the specified criteria can be provided.
5. Breakfast cereals Only breakfast cereals meeting specified criteria can be provided.
6. Deep fried and fried foods No fried food can be provided except for savoury snacks detailed below.

7. Savoury snacks Plain savoury crackers, plain oatcakes and plain breadsticks can be provided. Other pre-packaged savoury snacks meeting specified criteria can be provided.
8. Bread All bread and bread rolls must contain a minimum of 3g of AOAC fibre per 100g.
9. Sweetened yoghurts, fromage frais and other milk-based desserts Only Sweetened yoghurts, fromage frais and other milk-based desserts meeting specified criteria can be provided.
10. Pastry and pastry products Pastry and pastry products must not be provided more than twice per week across the school day, including school lunch and at other times of the school day.
11. Oils and spreads Only oils and spreads meeting specified criteria can be used.
12. Table salt and other condiments Additional salt cannot be provided. Condiments (if provided) must be dispensed in no more than 10ml portions.
13. Confectionery No confectionery can be provided at any time of the day either as a separate product such as a chocolate bar or as an ingredient in products under any other standard for example sweetened baked goods or pastry products.
14. Drinks Only the following drinks can be provided: Plain still or sparkling water Plain, lower fat milk Plain, lower fat, calcium enriched milk alternatives No added sugar, lower fat milk drinks No added sugar, lower fat drinking yoghurts

At a glance - Food and drink standards for **secondary school** analysed lunches and secondary school hostel evening meals

1. Fruit and vegetables At least two portions of vegetables and one portion of fruit must be offered every day as part of the analysed school lunch and as part of the school hostel evening meal.
2. Oily fish Oily fish must be provided at least once every three weeks either as part of the analysed or non-analysed school lunch, or at other times of the school day. Oily fish must be provided at least once every three weeks as part of the school hostel evening meal.
3. Red and red processed meat No more than a combined total of 230g of red and red processed meat (cooked weight) can be provided in the analysed school lunch, non-analysed school lunch options and at all other times of the day over the course of the school week (not including the school hostel evening meal), of which no more than 130g (cooked weight) can be red processed meat. In addition, no more than a total of 115g of red and red processed meat (cooked weight) can be provided as part of the secondary school hostel evening meal over the course of the school week, or which no more than 65g (cooked weight) can be red processed meat.
4. Sweetened baked products or desserts Only sweetened baked products and desserts meeting specified criteria can be provided.
5. Breakfast cereals Only breakfast cereals meeting specified criteria can be provided.
6. Deep fried and fried foods Food that has been deep fried in the cooking or manufacturing process shall not be permitted more than three times in a week as a combined total across the whole school day (not including the school hostel evening meal). In addition, food that has been deep fried in the cooking or manufacturing process shall not be permitted more than three times in a week as part of the school hostel evening meal. Chips must only be served as part of a meal.
7. Savoury snacks Only plain savoury crackers, plain oatcakes and plain breadsticks along with other savoury snacks meeting specified criteria can be provided.
8. Bread All bread and bread rolls must contain a minimum of 3g of AOAC fibre per 100g.

9. Sweetened yoghurts, fromage frais and other milk-based desserts Only Sweetened yoghurts, fromage frais and other milk-based desserts meeting specified criteria can be provided.
10. Pastry and pastry products Pastry and pastry products can only be provided as part of the analysed school lunch, non-analysed school lunch or at any other times of the school day a combined total of twice per week across the school day. In addition, pastry and pastry products must not be provided more than twice per week as part of a school hostel evening meal.
11. Oils and spreads Only oils and spreads high in polyunsaturated and/or monounsaturated fats can be used.
12. Table salt and other condiments Additional salt cannot be provided. Condiments (if provided) must be dispensed in no more than 10ml portions.
13. Confectionery No confectionery can be provided at any time of the day either as a separate product such as a chocolate bar or as an ingredient in products under any other standard such as sweetened baked goods or pastry items.
14. Drinks Only the following drinks can be provided at any time of the secondary school day: • Plain still or sparkling water • Plain lower fat milk • Plain, lower fat, calcium enriched milk alternatives • Tea and Coffee • No added sugar, lower fat milk drinks • No added sugar, lower fat drinking yoghurts • Sugar-free drinks (excluding high caffeine – 150mg per litre).

Food and drink standards that apply to provision at all other times of the secondary school day including the non-analysed school lunch and for example **breakfast clubs, vending machines, mid-morning break, tuckshops and after school clubs**

1. Fruit and vegetables Portions of fruit and/or vegetable must be made available in any place within the premises where food is provided. A portion of salad or vegetables must be provided as part of a main meal lunch item
2. Oily fish Oily fish must be provided at least once every three weeks either at other times of the school day or as part of the analysed or non-analysed school lunch.
3. Red and red processed meat No more than a combined total of 230g of red and red processed meat can be provided in the analysed school lunch, non-analysed school lunch and at all other times of the day (not including the school hostel evening meal), of which no more than 130g can be red processed meat. Sweetened baked products or desserts Only sweetened baked products or desserts that meet the specified criteria can be provided.
4. Breakfast cereals Only breakfast cereals meeting specified criteria can be provided.
5. Deep fried and fried foods Food that has been deep fried in the cooking or manufacturing process shall not be permitted more than three times in a week as a combined total across the whole school day. Chips must only be served as part of a meal. Main Lunch Item means: • Traditional lunches e.g. roast dinner, lasagne, vegetable curry • Sandwiches/baguettes/panini/salad boxes for example tuna salad baguettes • Other lunch options e.g. baked potato, pizza
6. Savoury snacks Plain savoury crackers, plain oatcakes and plain breadsticks can be provided. Other pre-packaged savoury snacks meeting specified criteria can be provided.
7. Bread All bread and bread rolls must contain a minimum of 3g of AOAC fibre per 100g.
8. Sweetened yoghurts, fromage frais and other milk-based desserts Only Sweetened yoghurts, fromage frais and other milk-based desserts meeting specified criteria can be provided.
9. Pastry and pastry products Pastry and pastry products must not be provided as part of the analysed school lunch, non-analysed school lunch or at any other times of the school day more than a combined total of twice per week across the school day.
10. Oils and spreads Only oils and spreads meeting specified criteria can be used.

11. Table salt and other condiments Additional salt cannot be provided. Condiments (if provided) must be dispensed in no more than 10ml portions.
12. Confectionery No confectionery can be provided at any time of the day either as a separate product such as a chocolate bar or as an ingredient in products under any other standard such as sweetened baked goods or pastry items.
13. Drinks Only the following drinks can be provided at any time of the secondary school day: • Plain still or sparkling water • Plain, lower fat milk • Plain, lower fat, calcium enriched milk alternatives • Tea and Coffee • No added sugar, lower fat milk drinks • No added sugar, lower fat drinking yoghurts • Sugar-free drinks (excluding high caffeine – 150mg per litre).