

## **EXECUTIVE NOTE**

### **DRAFT : THE PROVISION OF SCHOOL LUNCHES (DISAPPLICATION OF THE REQUIREMENT TO CHARGE) (SCOTLAND) ORDER 2008**

1. The above Instrument is made in exercise of the powers conferred by section 57(1) and (3) of the Local Government in Scotland Act 2003 (“the 2003 Act”). The Instrument is subject to affirmative resolution procedure.

#### **Policy objectives**

2. The purpose of the Instrument is to enable all Scottish councils to use the power to advance well-being in the 2003 Act to provide free school lunches for Primary 1- Primary 3 (P1-P3) pupils within schools under their management.

#### **Background**

3. The Scottish Government is committed to improving the health of the nation and poor diet is a significant contributor to Scotland’s poor health record. The Scottish Government conducted a trial with 5 councils (East Ayrshire Council, Fife Council, Glasgow City Council, Scottish Borders Council and West Dunbartonshire Council) from the end of October 2007 to June 2008 whereby all P1-P3 pupils in schools under the management of the councils had access to free nutritious school lunches. The main aim of the trial was to establish whether the provision of free school lunches in this age group could help bring about a shift towards healthy eating habits and social behaviour both at home and in school. The trial was independently evaluated by Ipsos MORI and the findings of the evaluation are generally positive.

4. One of the commitments in the Scottish Government’s concordat with local government is that if the evaluation of the trial is positive, and subject to the Scottish Parliament approving the necessary legislation (this Order), all councils will provide free school lunches to all P1-P3 pupils from August 2010.

#### **Consultation**

5. The issue of free school lunches has been extensively debated and consulted on by the Scottish Parliament. When conducting the independent evaluation of the trial, Ipsos MORI consulted with pupils, parents, teachers, headteachers, school catering staff and local authority catering managers in the participating councils. The councils themselves gathered views on the trial and the evaluation was considered by Cosla’s Education, Children & Young People Executive Group in August 2008.

#### **Financial effects**

6. The Scottish Government has provided local government with record levels of funding over the period covered by the spending review 2008-11. It is the responsibility of each council to allocate the total financial resources available to it on the basis of local needs and priorities having first fulfilled its statutory obligations and the jointly agreed set of national and local priorities including the Scottish Government’s key strategic objectives and

the full terms of the concordat, which includes the provision of free school meals for P1 to P3 from 2010.

7. The Scottish Government has introduced the Order now so that, if approved by the Scottish Parliament, councils will know that the legislation is in place well in advance. The concordat with Local Government agreed that if the evaluation of the trial is positive and the necessary legislation is passed local authorities will provide free school meals to all P1-P3 pupils from August 2010.

8. As noted in the report on the evaluation of the free school lunch trial, estimates of the costs of the trial varied widely from £1.79 per additional meal in Fife to £4.65 in Scottish Borders. These cost estimates should be regarded as indicative, although the variation is generally in line with that observed in the annual costs of school meals across different local authorities (annual School Meals Census). Costs tended to be higher in areas that started from a lower base and had a higher increase in uptake, i.e. where the trial had more impact on staffing and equipment levels. There was also some evidence of economies of scale, i.e. costs tended to be lower in local authority areas where the total number of additional meals served as part of the trial was higher.

9. There are no significant financial effects on Scottish business and therefore a Regulatory Impact Assessment has not been prepared. It is possible that some Scottish food producers could benefit financially if they provide for any of the schools involved in the trial.

Scottish Government Schools Directorate  
September 2008