

POLICY NOTE

THE NUTRITIONAL REQUIREMENTS FOR FOOD AND DRINK IN SCHOOLS (SCOTLAND) REGULATIONS 2020

SSI 2020/153

The above instrument was made in exercise of the powers conferred by sections 56A, 56B and 56D of the Education (Scotland) Act 1980(a) and all other powers enabling them to do. The instrument is subject to negative procedure.

Purpose of the instrument. The aim is to update the provision currently set out in the Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2008 (“the 2008 Regulations”), to ensure that the food and drink provided to pupils in schools is more closely aligned to the current evidence based dietary advice set out in the Scottish Dietary Goals which were updated in 2016.

Policy Objectives

This instrument replaces the 2008 Regulations which have been in force in primary schools since 2008 and in secondary schools since 2009 and which were based on past scientific evidence and dietary advice. The new regulations have been drafted to ensure school food and drink is more closely aligned with the updated Scottish Dietary Goals based on current scientific evidence and dietary advice.

The 2008 Regulations were drafted taking into account the scientific evidence and dietary advice available at that time. They set out what food and drink can, cannot or must be provided in schools in order to ensure that children and young people in attendance at education authority or grant aided schools are provided with a catering service whose offerings are based on this evidence and advice. Since the 2008 Regulations were introduced, new scientific evidence has emerged which resulted in the Scottish Dietary Goals being updated in 2016, particularly in relation to consumption of sugar, red meat and red processed meat. The new regulations include around 31 changes (centred around 4 themes namely provision of red and red processed meat, reduction of sugar, increased fruit and veg provision and a change to how food and drink is provided in secondary schools) which will help ensure that the food and drink served in schools is more closely aligned with the Scottish Dietary Goals and continues to be based on up to date scientific evidence and dietary advice.

Schedule 1 applies to food and drink provided to primary school pupils

Part 1 – applies to food and drink provided as part of primary school meals, including hostel evening meals and at other times of the day

Part 2 – applies to food and drink provided as part of school meals only, including hostel evening meals

Part 3 – applies to food and drink provided at other times of the day not including school meals, for example tuckshops and breakfast clubs

Schedule 2 applies to food and drink provided to secondary school pupils

Part 1 – applies to food and drink provided at mealtimes and at other times of the day for example mid morning break and tuckshops

Part 2 – applies to school meals, including the analysed school lunch, non analysed school lunch and school hostel evening meal

Schedule 3 applies to primary school lunches, school hostel evening meals provided to primary school pupils, secondary school analysed school lunches+ and school hostel evening meals provided to secondary school pupils.

+A secondary school analysed lunch means a 2 course meal which has been nutritionally analysed to ensure that it provides the values for energy and nutrients set out in table 1 on average across the school week.

Some of the changes are amendments to existing standards in the 2008 Regulations, for example, changes to the permitted drinks list aimed at reducing the amount of sugar that children and young people can access at schools. Others are new standards that will be introduced for the first time in these regulations, for example, a limit on **specified types of red and red processed meat** provision. These changes set out the minimum standards that education authorities must meet when providing food and drink in schools. The regulations will continue to apply not only to the school lunch service but to all food and drink served across the school day, for example, breakfast clubs and tuckshops.

Consultation

The Scottish Government arranged for workshop based consultations to take place in January 2018 with education authority catering and teaching staff focusing on early proposals set out by the technical working group who reviewed the school food and drink regulations. In May 2018, The Scottish Government also commissioned the Children's Parliament to carry out a consultation with children and young people. Feedback from both of these consultations were used by the technical working group to inform their final recommendations for changes to be made to the school food regulations.

The technical working group's recommendations formed the basis for a public consultation seeking views on proposed changes to the school food and drink regulations. The consultation ran in summer 2019, 1359 responses were received from a wide range of stakeholders including industry, individuals and local authorities covering a broad range of views on the 4 themes raised in the consultation. There was broad agreement to all proposals set out in the public consultation.

Throughout the process, informal consultation also took place with industry representatives and school catering representatives on the detail of some of the more complex changes for example the definition of red processed meat.

Feedback from all consultation was used to inform the decisions made by Scottish Ministers about what changes should be made to the 2008 Regulations. Scottish Ministers decided to accept all recommendations set out by the technical working group and proceed with amending the 2008 Regulations to incorporate the necessary changes to achieve those recommendations.

The consultation report including the list of resulting actions can be accessed here - <https://www.gov.scot/publications/report-responses-consultation-nutritional-requirements-food-drink-schools/>

A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website, it includes local authorities; NHS Boards; the food and drink sector; parent groups; bodies representing the dental profession and organisations with an interest in diet

Impact Assessments

A Equalities Impact Assessment (EQIA) has been completed and did not raise any significant concerns.

A Children's Welfare and Rights Impact Assessment (CWRIA) has been completed and did not raise any significant concerns.

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been completed and did not raise any significant concerns.

Scottish Government
Learning Directorate

13 May 2020