

EXPLANATORY MEMORANDUM TO
THE REQUIREMENTS FOR SCHOOL FOOD REGULATIONS 2014

2014 No. 1603

- 1.** This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 These regulations revoke and replace The Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007 (as amended) (“the 2007 Regulations”).
- 2.2 These Regulations set out nutritional standards that food and drink provided to children at maintained schools are required to meet. They are designed to create a clearer, simpler set of food-based standards for school food than that in the 2007 Regulations.

3. Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

4. Legislative Context

- 4.1 Following the recommendation from the 2013 School Food Review, the Government committed to testing and introducing a set of revised food based standards (built on a nutritional framework) to replace the 2007 Regulations, with the intention of applying them to maintained schools and, via their funding agreements, to all new academies and free schools from September 2014.

5. Territorial Extent and Application

- 5.1 This instrument applies to England.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- 7.1 Through the legislative framework for the school food standards, the government promotes the provision of nutritious food in schools to enable pupils to be well nourished, develop healthy eating habits and concentrate and learn in school.
- 7.2 In July 2012, the Secretary of State for Education commissioned a review of school food in England.
- 7.3 The report of the review, the School Food Plan, was published in July 2013. Part of the Plan committed the department to developing a clearer set of food-based standards, accompanied by practical guidance, that provides caterers with a framework on which to build interesting, creative and nutritionally-balanced menus and is less burdensome and operationally cheaper to implement than the current nutrient-based standards.
- 7.4 The Department has worked with the authors of the School Food Plan and a group of school catering experts and nutritionists to develop and draft the revised school food standards. The new standards in these regulations have been tested by 31 schools and 24 caterers from across England, overseen by a group of school catering experts and nutritionists. The outcome of testing was positive: 90% of school cooks and 80% of caterers thought the revised standards were easier to understand than the current standards, while 80% of school cooks and caterers thought they would provide more flexibility. In addition, the menus which were tested either equalled or improved upon the nutritional levels delivered by the existing nutrient-based standards.

8. Consultation outcome

- 8.1 A public consultation was held from 6 March to 16 April 2014 on the revised school food standards and draft regulations. The consultation attracted 220 responses from organisations and individuals. Separately, 9,606 responses were received in support of a campaign by Cool Milk (a major provider of milk to schools), concerned that under the revised standards schools could only make milk available at lunchtime because they considered this could undermine the mid-morning break. A further 535 responses were received in support of a campaign by Sustain (the alliance for better food and farming), calling for improved food across the public sector and emphasising the importance of obtaining food from sustainable sources.
- 8.2 Responses to the consultation have highlighted a number of areas for further consideration, including clearer definitions of starchy food and meat, clarification around what constitutes a snack, and guidance on age-related portion sizes. The majority of these do not require a regulatory change and will be covered in guidance. The only substantial change to the draft standards resulting from the consultation concerns the availability of milk, as highlighted by the Cool Milk

campaign: schools will now be required to make milk available at some point during the school day, rather than specifically at lunchtime.

- 8.3 A full analysis of consultation responses is available at:
<https://www.gov.uk/government/consultations/revised-standards-for-food-in-schools--2>

9. Guidance

- 9.1 The regulations will be accompanied by practical guidance to provide caterers with a framework on which to build interesting, creative and nutritionally-balanced menus. The guidance will be available online:
www.schoolfoodplan.com/standards

10. Impact

- 10.1 There will be no direct impact on business, charities or voluntary bodies.

11. Regulating small business

- 11.1 The legislation does not apply to small businesses.

12. Monitoring & review

- 12.1 Following one of the recommendations from the School Food Plan, the government committed to assessing the nutritional quality of the food available in schools. The intention is to use a nutritional standards survey carried out in 2006 as a baseline, and assess the new standards in the regulations once they have had an opportunity to bed down in schools. This is unlikely to be before 2016.

13. Contact

Sue White at the Department for Education (tel: 020 7340 7189 or email: sue.white@education.gsi.gov.uk) can answer any queries regarding the instrument.