

CHANGES TO THE NUTRITIONAL REQUIREMENTS FOR FOOD AND DRINK IN SCHOOLS

1.0 EXECUTIVE SUMMARY

- 1.1 Twelve years on from the introduction of the the Health Promotion and Nutrition (Scotland) Act 2007, the Scottish Government has conducted a review of the Food and Drinks Standards in Schools.
- 1.2 While some of the identified actions are welcomed, this report is to advise Members of the potential impact of some of the other changes and the impact these will have on pupils, parents, the Catering Service, the Education Service, the Procurement Team and suppliers.
- 1.3 The timescale for implementation of these changes is very short, and it is expected that all Local Authorities will be compliant with all actions by Autumn 2020. This is to be achieved while also implementing free school meals for pupils in early years who will be in receipt of 1140 hours of education, and while implementing a new self-evaluation tool which is being developed by Education Scotland. It should also be noted that the Catering and Cleaning Innovations Project is also continuing, and significant change in relation to shared services is also being developed for implementation during the same period.
- 1.4 Officers are anticipating that school meals uptake will decline, and income in Secondary Schools will reduce, which may result in a cost pressure for the Council.
- 1.5 Members are asked to:
- a) Note the proposed changes to the food and drinks in schools developed by the Scottish Government;
 - b) Note the potential impacts that these proposals are likely to have;
 - c) Agree to pursue the mitigating actions further with colleagues both locally and nationally. Particular agreement is sought on whether sugar free, caffeine free branded soft drinks should be re-introduced for sale in Secondary Schools from Autumn 2020.

CHANGES TO THE NUTRITIONAL REQUIREMENTS FOR FOOD AND DRINK IN SCHOOLS

2.0 INTRODUCTION

- 2.1 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 summer 2018.
- 2.2 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.

3.0 RECOMMENDATIONS

- 3.1 Members are asked to:
- a) Note the proposed changes to the food and drinks in schools developed by the Scottish Government;
 - b) Note the potential impacts that these proposals are likely to have;
 - c) Agree to pursue the mitigating actions further with colleagues both locally and nationally. Particular agreement is sought on whether sugar free, caffeine free branded soft drinks should be re-introduced for sale in Secondary Schools from Autumn 2020.

4.0 DETAIL

4.1 Background

- 4.1.1 Food in schools across Scotland sits within a wide range of food and drink regulations, but most notably within the Health Promotion and Nutrition (Scotland) Act 2007 and its associated guidance, the Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2008.
- 4.1.2 Since these regulations were published, the scientific and dietary advice on which they were based has changed, which led to the Scottish Government updating the Scottish Dietary Goals in 2016. This, in turn, led to the

establishment of a Technical Working Group in 2017, which had the remit of bringing the school food and drink regulations into closer alignment with the revised Scottish Dietary Goals.

- 4.1.3 The Technical Working Group designed a range of proposals, which they developed into four key themes for public consultation. These were:
- a. Increase access to fruit and vegetables
 - b. Reduce access to sugar
 - c. Set a maximum level for provision of red and red processed meat
 - d. Amend the way in which secondary school food and drink is provided

The consultation did not include asking for views on how food and drink is provided in schools (for example, on dining facilities, or allocation of time for lunch), nor on food education.

- 4.1.4 The Scottish Government received 1,359 responses to the consultation. 1,280 responses were from individuals, and 79 responses were from organisations including Local Authorities, NHS Boards, Food and Drink sector organisations, parenting groups and organisations with an interest in diet.
- 4.1.5 These responses have been analysed, and Scottish Ministers have developed a suite of 31 actions to be taken forward for implementation by Autumn 2020. A copy of the consultation responses and recommended actions is enclosed at appendix 1.
- 4.1.6 COSLA's Children and Young People Board discussed this issue at its meeting on Friday, 19th August 2019. COSLA officers have noted that there was limited engagement with local authorities and COSLA prior to publication of these changes. Scottish Government officials have acknowledged that the engagement on this issue should have been more comprehensive given the potential financial and procurement implications for local authorities. They are now keen to involve COSLA and the wider Local Government family where appropriate in the development of guidance to support the implementation of the regulations.

4.2 Proposed Food and Drinks Standards

- 4.2.1 As noted in section 4.1.2, one of the main aims was to align the school food and drink regulations to the Scottish Dietary Goals. Overall, the population consumes too many calories as well as too much fat, salt and sugar, and has resulted in increasing levels of obesity and obesity related health conditions.
- 4.2.2 These revised standards focus more on reducing sugar, reducing red and red processed meat and increasing fibre. Key changes include:
- a. Providing more fruit and vegetables with all meals, but removing the provision of fruit juice and fruit smoothies

- b. Significantly reducing the amount of red and red processed meat offered as part of the school day, including at lunch time and at mid-morning break in Secondary schools and outwith the school day at school hostels
- c. Increase fibre by restricting baked goods provided in schools, including the removal of white bread due to its low fibre content
- d. Significantly restrict the availability of snacks such as home baking, snacks and drinks across the school day: including at breakfast clubs, intervals and in after school settings. The range of acceptable products that can be offered is very low.
- e. Nutritional analysis will need to be conducted each day as well as across the week, leading to further restrictions on menu options.

4.2.3 There are some very positive changes as part of these proposals, such as increasing the availability of fruit and vegetables throughout the school day, as well as at lunchtime. Officers acknowledge that school meals should be an exemplar of healthier choices and should help to influence children and young people to eat well and change Scottish food culture. However, officers are concerned that these changes are being made, to an extent, in isolation and the wider implications of the changes require greater consideration and mitigation before legislative changes are made.

4.3 Impact

4.3.1 The potential impact of these changes could be far reaching, and Local Authorities across Scotland are in the process of identifying what these impacts are likely to be. The following are the key implications identified to date:

- a. **Cost Implications** – as part of the review, a full cost analysis of the potential financial impact for developing new menus and recipes was not part of the technical working group's remit. Sample menus have not been provided, so it will be for Local Authorities to try to determine the cost impact of this, and to develop their own suite of recipes, menus and analysis. Early work being undertaken by some local authorities are indicating that there could be a 12-15% impact on food costs, coupled with a 10-15% impact on cost pressure as a result of decreased uptake, causing a significant strain on existing local authority budgets. With the increased provision of fruit and vegetables, no additional funding is being allocated.
- b. **Impact on School Meals Uptake** - due to the radical nature of some of the changes, the choice available for pupils and familiarity of products will significantly reduce. This will likely result in pupils in primary schools opting to have a packed lunch, and pupils in Secondary Schools opting to leave school to ensure they have a full choice. It is a statutory duty to ensure that uptake is maximised, and officers expect uptake to reduce. It is difficult to determine at this stage the level of reduction that could be expected. Some Local Authorities have tested implications of only some elements, and have already seen a 5-10% drop in uptake. This will increase with full implementation of all aspects of the changes.

- c. **Impact on commercial activities in Secondary Schools** - the Catering Service currently relies on commercial income as a way of offsetting budget reductions, and there has been significant investment in improving the offer in secondary schools over the past two years. Officers anticipate that with significant changes affecting breakfast, mid-morning and lunch provision, pupils in Secondary Schools will simply purchase their food out with the school, reducing income for the Council and resulting in poorer dietary choices for pupils.
- d. **Food Waste** – the recommendations mean that full portions of fruit and vegetables will now need to be available to pupils throughout the school day, whenever food and drink is available. This is likely to lead to increased food waste should pupils not take the fruit and vegetables that are available.
- e. **Increased Fibre** – the range of bread, rolls and wraps that are available will reduce as only high fibre options will be offered to pupils. The choice available will be severely limited, with white bread no longer being compliant.
- f. **Changes to Yoghurts** – the range of yoghurt available will also be reduced, as many on the market will either be too high in sugar, or in fat.
- g. **Reduction in Red and Red Processed Meat** – pupils will only be able to have red meat or red processed meat (for example ham, sausages, mince, steak pie) a maximum of three times per week. This will mean that current menus will be reviewed and some popular dishes will be removed. This will include removing ham from salad bars and from sandwich choices. This will also remove the range of options available at mid-morning in secondary schools.
- h. **Reduction in free sugar** – most home baking that is currently offered to pupils will not meet the new standards, and so the range of desserts and home baking available will reduce, or be removed. Fruit juice, fruit based juices and smoothies will not be permitted.
- i. **Procurement** – Local Authorities use a range of local and national contracts via Scotland Excel to produce meals. Changes to the required food and drinks standards will have an impact on the current procurement arrangements that are in place, with a number of contracts due to run for a number of years.
- j. **Local Produce** - across Argyll and Bute there are a number of local procurement arrangements, particularly for the purchase of red and red processed meat and for bread. These changes will result in a reduction of contract value which will directly impact on income for our local suppliers, and will reduce spend on Scottish products nationally.
- k. **Packed lunches/food from home for Primary schools** – due to the combination of changes e.g. removal of white bread, significant reduction in processed meat, restrictions and reduction in home baking, removal of fruit based drinks, officers anticipate that packed lunches will increase, and will be likely to contain the very items no longer able to be provided e.g. ham sandwich

on white bread with a fruit based juice and a cereal bar or chocolate bar. This will put a further pressure on parents, and will adversely affect those who are not able to afford to provide healthy packed lunches.

- l. **Allergies** – these proposals have not taken into account the impact that increasing allergies has on the catering provision in schools. For example, an alternative source of protein and iron in many circumstances can be through the provision of nuts and pulses, but many schools cannot provide these due to the instances of allergies to these products.
- m. **Equalities and Food Poverty** - poverty related dietary issues are a significant issue at present, and these changes may further alienate those pupils most in need of free school meals. This could be as a result of friends opting for packed lunches, or simply because the pupils themselves will be restricted in their choice by what will be available on the menu. Familiar dishes will be removed, or will be available less often, and experience shows that this can often affect those in most need.
- n. **Availability of Suitable Products** - the timeline for implementation is extremely challenging and officers are concerned that suppliers will not have sufficient time to develop acceptable products that meet the new standards and therefore choices for pupils will be significantly curtailed.
- o. **Impact across the School Day** – these changes affect all food provided in schools and hostels whether it is provided by Catering or school staff. Therefore, the changes will affect breakfast provision, mid-morning snacks and tuck shops, food provided out with term time and any other school related food such as vending operated by parent councils and fundraising events such as at school sports day. An example of this is where schools are providing toast, cereal and yoghurt for breakfast: all of these products will need to be reviewed to ensure that products served meet the new standards.
- p. **Timescale for Implementation** – the Scottish Government expects these actions to be implemented by all local authorities in full by Autumn 2020. This is to be achieved while also implementing free school meals for pupils in early years who will be in receipt of 1140 hours of education which has to be delivered by August 2020, and while implementing a new self-evaluation tool which is being developed by Education Scotland specifically for food in schools.

It should also be noted that the Catering and Cleaning Innovations Project is also continuing, and significant change in relation to shared services is also being developed for implementation during the same period as previously reported to DMT and SMT. The work being required from a small management team with a remote workforce across the whole Council area will make achieving these conflicting priorities very challenging.

In addition to these concerns, the Scottish Government have advised that guidance for implementation will not be available to Local Authorities until June 2020. Given that the school holiday period will immediately follow publication, the time required for implementation will be reduced further.

4.4 Mitigation

- 4.4.1 Officers within the Catering Service will be able to provide a briefing to Education Management about the changes, and the impact to food provided throughout the school day. Given the short implementation period for this, Catering Services suggests that this work begins as soon as possible.
- 4.4.2 Ways of addressing the loss of uptake also needs to be considered as soon as possible. Packed lunch options are not monitored and there is no intention to change this. There may be an option/opportunity to provide advice to parents on what constitutes a 'healthy' packed lunch. Should pupils simply switch to packed lunches there is a risk that the overall aim of improving the diet of young people will be missed.
- 4.4.3 Pupils in Secondary Schools are able to leave school at lunchtime, and can purchase any food they choose outwith the school gates. Dunoon Grammar has a very successful programme of retaining S1 and S2 pupils in school at lunchtime, by working in partnership with parents which has also leads to pupils remaining in school as they move up through the year groups. . Further consideration could be given to the other Secondary Schools across Argyll and Bute adopting a similar approach.
- 4.4.4 Drinks in Secondary Schools offer an interesting opportunity. While fruit based drinks that have been specifically developed by suppliers for the school market will no longer be permitted (products such as SUSO and Radnor Hills for instance), the proposed guidance will now permit schools to sell sugar free, caffeine free soft drinks such as flavoured water as well as brands such as sugar free Sprite, Lilt, Tango and Fanta. The Scottish Government has left decisions on selling these products down to individual Local Authorities, and a decision is required on whether Argyll and Bute Council will choose to sell these from Autumn 2020. This could be a way of mitigating lost income, however it could raise concerns around other health claims of sweetener (not supported by the Technical Working Group) and around single use plastics.
- 4.4.5 Argyll and Bute Council are active participants in National organisations, in particular the Association of Public Sector Excellence (APSE) and the Association of Service Solutions in Scotland – Facilities Management (ASSIST FM), and the Commercial Manager is National Chair of ASSIST FM for the next two years. This gives officers influence and lobbying ability on a National basis, and both organisations are continuing to raise concerns with the Scottish Government.
- 4.4.6 ASSIST FM hosted a Supplier Development Day in Edinburgh on 3rd October 2019. The aim of this session was to directly engage with suppliers to identify whether product innovation could be accelerated to meet the implementation timescale, so that there are some new choices for pupils. This was seen by all participants be an important step to retaining income and uptake, and an opportunity for suppliers to retain some of their existing business but will be dependent on the costs to suppliers for product development. By engaging

directly with the market we hope to mitigate risks to local authorities and to the suppliers themselves.

- 4.4.7 Members for APSE and ASSIST FM are actively involved in the development and writing of the draft guidance, due to be issued in June 2020. The Catering and Cleaning Officer from the Catering Service is part of that group.
- 4.4.8 At the APSE Soft FM Advisory Group Meeting on 30th July 2019, there was discussion around APSE and ASSIST FM working more collaboratively, with a view to reducing duplication of effort for local authorities, and potentially exploring shared resources and effort, particularly in areas such as menu design, recipe development and nutritional analysis. A small group of representatives including from Argyll and Bute Council are leading on this piece of work which could help to mitigate some of the risks around menu design and costings.
- 4.4.9 The Commercial Manager has represented ASSIST FM at a round table discussion with the Deputy First Minister on 6th November 2019 where some issues around the implementation of the changes were discussed. It was clear from that discussion that there will be no room for changes to be made, and that the implementation timescale remains as Autumn 2020.
- 4.4.10 APSE and ASSIST FM have written a joint email to the Scottish Government, highlighting their concerns around the proposals, and noting the risks around implementation, particularly around cost and uptake. A response has yet to be received.
- 4.4.11 ASSIST FM are arranging for an engagement session to take place in January for catering and education staff from across Scotland, so that those involved in implementation are briefed on the impact and nature of the 31 actions. This should allow a more collaborative approach to implementation to be developed within Local Authorities, across both catering and education services.
- 4.4.12 With the introduction of a free meal to all early years' children in receipt of 1140 hours of education, there is a long term opportunity to introduce young children to school food. This could, in turn, enable improved school meal uptake in future years. However, this would be a long term development which would take several years to achieve.

5.0 CONCLUSION

- 5.1 The comprehensive review of food and drinks in schools will result in the implementation of significant changes to all school food over the next 12 months. Although the overall aims of these changes to improve the Scottish diet are positive, officers do have concerns over the implementation timescale, the range of changes being made and some of the unintended consequences that are likely to arise.
- 5.2 Officers will be working with colleagues from across the Council, with other Local Authorities and with suppliers to manage these issues as effectively as possible, and to develop the best ways in which to mitigate the impact, while continuing to

promote positive messages around food and drink and encouraging school meals uptake to as many pupils as possible.

6.0 IMPLICATIONS

- 6.1 Policy – None
- 6.2 Financial – The full financial impact of reduced uptake and/or income is difficult to determine, and an unquantified cost pressure has been noted as a result of this. Work is underway to determine the potential cost impact to the Council.
- 6.3 Legal – implementation of the changes will be a statutory requirement
- 6.4 HR – any significant reduction in service could have a negative impact on the number of staff employed in the service delivery
- 6.5 Fairer Scotland Duty – None
 - 6.5.1 Equalities – protected characteristics – No anticipated impact, however provision of special diets for religious beliefs could be challenging in future.
 - 6.5.2 Socio-economic Duty – There could be an unintended impact on those most in need of school meals, either due to peer pressure for packed lunches or due to lack of choice.
 - 6.5.3 Islands – None
- 6.6 Risk – Significant service delivery, supplier and financial risks have been identified within the paper
- 6.7 Customer Service – There is likely to be a reduction in choice to pupils, in primary schools and with a significant impact to secondary school pupils.

Douglas Hendry, Executive Director with responsibility for Commercial Services

Yvonne McNeilly, Policy Lead for Education

10 November 2019

For further information contact:

Jayne Jones, Commercial Manager, Commercial Services
01546 604681 / jayne.jones@argyll-bute.gov.uk

Appendix

Appendix 1: Consultation on Nutritional Requirements for Food and Drink in Schools:
Report on Responses to the Consultation