

**CHANGES TO THE NUTRITIONAL REQUIREMENTS FOR FOOD AND DRINK IN SCHOOLS**

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**1.0 HEADLINES**

- 1.1 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. 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 8 April 2021.
- 1.2 These changes will impact on school food across the school day across both Primary and Secondary schools, and are likely to impact on the commercial activities of Commercial Services.

**2.0 RECOMMENDATIONS**

- 2.1 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 selling flavoured water in Secondary Schools from April 2021 but not selling well known branded soft drinks, with the detail outlined at section 3.2.8.
  - d. Agree that the model in Dunoon Grammar which focusses on working with parents to encourage pupils to remain on site at lunchtime be promoted across Secondary Schools as good practice.

## **3.0 DETAIL**

### **3.1 BACKGROUND**

3.1.1 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.

3.1.2 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.

3.1.3 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.

3.1.4 Guidance for schools is in development, but has been delayed as a result of the pandemic. It is expected to be available to all Local Authorities some time during Autumn 2020.

3.1.5 A paper outlining the wide ranging impact of these changes was presented to the Community Services Committee in December 2019. This paper also outlined a number of mitigation measures being explored by both the Catering Service and the Education Service.

3.1.6 Arising from this, the Committee asked officers to bring forward another paper to update on progress with mitigation, and to outline options around Secondary pupils leaving school grounds and on whether sugar free, caffeine free branded soft drinks should be introduced.

### **3.2 PROGRESS MADE WITH MITIGATION OF THE IMPACT OF THE CHANGES**

3.2.1 Immediately following the Community Services Committee, a clear work plan was drafted to ensure that all mitigation measures were addressed. This was developed in collaboration between Education and Commercial Services, to ensure consistency of messaging and common understanding of how this would impact both services, as there are clear implications for both teams.

- 3.2.2 Work was undertaken through January, February and March 2020 to proactively engage with Secondary School pupil councils to mitigate the wider impacts of this policy change. Work had also commenced by having discussions with one Head Teacher cluster group. However, with the pandemic closing schools in March, this work has paused.
- 3.2.3 Despite this, the Scottish Government has now instigated legislation that will bring these changes into effect from 8 April 2021.
- 3.2.4 As schools returned in August 2020, the focus has been on a safe return to schools for all pupils and staff following closure during the pandemic, and there has not been any opportunity to restart the planned work to mitigate the impact of this change. Schools and Catering teams are doing their best to deliver a revised service, and it will be challenging to carry out any face to face sessions with pupils while physical distancing restrictions remain, travel is discouraged and visitors to schools are minimised.
- 3.2.5 Since the reopening of schools post pandemic, school meals uptake in Primary schools has declined by an average of 13%, and in Secondary schools, income has declined by an average of 27%. This has been the case in schools across Scotland as social distancing in schools has changed how the catering service operates, parental confidence has dropped and managing school lunch service has been challenging for many schools. Early evidence shows that the implementation of the Food and Drinks changes is likely to cause a further decline in uptake of around 10%, and an estimated loss of income in the region of £65K.
- 3.2.6 Two catering vans have been purchased, and will soon be located in the grounds of two Secondary Schools as additional sales points. Food and drinks served in these vans to pupils will comply with the revised Food and Drink in Schools standards. The impact of these will be kept under review.
- 3.2.7 Pupils in Secondary Schools are able to leave school at lunchtime, and can purchase any food they choose outwith the school gates, which in effect nullifies any changes in standards to food and drink in schools. Dunoon Grammar has a very successful programme of retaining S1 and S2 pupils in school at lunchtime, by working in partnership with parents which also leads to pupils remaining in school as they move up through the year groups. This model could assist secondary schools with mitigating other risks associated with social distancing beyond the school gates, and it should be promoted as good practice to other secondary schools.
- 3.2.8 It remains a decision to be taken around the provision of soft drinks in Secondary Schools. 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 April 2021. There are three options, as outlined in the table below:

	Option 1	Option 2	Option 3
Detail:	Opt not to sell sugar free carbonated, branded drinks in Secondary Schools	Opt to sell all sugar free, carbonated, branded drinks in Secondary Schools	Opt to sell flavoured and flavoured/carbonated water, but not branded sugar free, carbonated soft drinks
Impact on Pupils	Choice will be significantly curtailed, with plain water, milk, tea and coffee being the only choices for pupils. May lead pupils to purchase their lunch offsite where they can purchase any drinks they choose.	Introduces a significant improvement in choice for Secondary pupils, more in line with High Street competitors. May entice some pupils to remain on site at lunchtime if they are able to purchase branded drinks they recognise.	Introduces some additional choice of products to pupils without introducing a significant range of choice. The focus would remain on water by introducing only sparkling and still flavoured waters for pupils. May entice some pupils to remain on site at lunchtime if these are the products they prefer.
Impact on Income	Potential lost revenue in the region of £20K per annum	Potential income stream – the removal of carbonated branded drinks in 2006 led to a decrease in income in the region of £30K, therefore this could generate additional income of around £30K per annum	Likely to be cost neutral as these could replace the products that will no longer be permitted in schools.
Impact on nutrition	Supports previous messaging over the past 13	The Technical Working Group does not view these products	The Technical Working Group does not view these products as harmful

	years about these products t being suitable or pupils to consume	as harmful to health.	to health.
Impact on reputation	The Council may be criticised for curtailing pupil choice.	The Council may be criticised for introducing products that are not nutrient dense. These products do contain artificial sweeteners.	This would not be seen as a 'backwards step' of either reducing choice, or of introducing a wide range of flavoured and coloured products.
Other Impacts	May reduce the amount of single use plastic waste in schools.	Could lead to an increase in single use plastics waste. Not all pupils may be able to afford these products, and therefore pupils in receipt of free school meals may choose to spend a significant proportion of their entitlement on these products, leaving little money left for nutritious food.	Could lead to an increase in single use plastics waste. Not all pupils may be able to afford these products, and therefore pupils in receipt of free school meals may choose to spend a significant proportion of their entitlement on these products, leaving little money left for nutritious food.

3.2.9 It is recommended that option 3 be adopted, however this could be reviewed in June 2021 and further changes made prior to schools reopening in August 2021. Both option 1 and option 2 could remain under consideration, and pupil feedback gathered as part of that review.

#### 4.0 CONCLUSION

4.1 The comprehensive review of food and drinks in schools will result in the implementation of significant changes to all school food by April 2021. Although the overall aims of these changes to improve the Scottish diet are positive,

concerns remain over the implementation timescale, the range of changes being made and some of the unintended consequences that are likely to arise.

- 4.2 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. While this work has been adversely affected by the coronavirus pandemic, the implementation will still take place on 8 April 2021, and officers will ensure that schools are as prepared for these changes as possible.

## **5.0 IMPLICATIONS**

- 5.1 Policy – None
- 5.2 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, but is estimated at around £65K
- 5.3 Legal – Implementation of the changes will be a statutory requirement from 8 April 2020
- 5.4 HR - Any significant reduction in service could have a negative impact on the number of staff employed in service delivery
- 5.5 Fairer Scotland Duty:
- 5.5.1 Equalities protected characteristics - No anticipated impact, however provision of special diets for religious beliefs could be challenging in future.
- 5.5.2 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.
- 5.5.3 Islands – None
- 5.6 Risk - Significant service delivery, supplier and financial risks have been identified and discussed nationally
- 5.7 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. Mitigation work is designed to reduce this risk.

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