

# **Consultation on amendments to the ‘Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2008’**

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**Scottish Government**  
Riaghaltas na h-Alba  
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## **Consultation on amendments to the ‘Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2008’**

### **Background**

With the introduction of the ‘Hungry for Success – a whole school approach to school meals in Scotland’ policy in 2002/2003, we began the first step in our journey towards changing the food culture in Scotland’s schools and encouraging our children and young people to make better food and drink choices. By doing so, we aim to help ensure our children avoid the diet related conditions that have become all too familiar in Scotland.

This policy, designed to transform school food and drink provision and move towards balanced and nutritious offerings, throughout the school day, set the scene for what is now an internationally admired model of school food and drink provision and food education.

Building on what had been achieved through Hungry for Success, the Scottish Parliament passed **[‘The Schools \(Health Promotion and Nutrition\) \(Scotland\) Act 2007’](#)** (the schools health promotion and nutrition Act). This schools health promotion and nutrition Act makes health promotion a central purpose of schooling, requiring all schools to provide activities and an environment which promotes the physical, social, mental and emotional health and wellbeing of pupils in attendance at the school.

Importantly, the schools health promotion and nutrition Act also created powers for Ministers to place a duty on all local authority schools to implement **[‘The Nutritional Requirements for food and drink in schools \(Scotland\) Regulations 2008’](#)** (The school food and drink Regulations). These school food and drink Regulations detail the nutritional standards that all food and drink served in schools must meet.

The existing school food and drink Regulations are split into two parts:

- The first is a set of nutrient standards designed to ensure that a school lunch provides 30% of a pupils nutritional requirements for a day as detailed in COMA (Committee on Medical Aspects of Food Policy) Dietary Reference Values for Food Energy and Nutrients for the United Kingdom, 1991<sup>1</sup>. For example minimum amounts for nutrients such as iron & calcium and maximum amounts for nutrients such as fat and salt.
- The second is a set of food and drink standards which apply to all other parts of the day (breakfast clubs, after school clubs, tuckshops, vending machines) and includes limitations on savoury snacks, a ban on confectionery and restrictions on the types of drinks that could be served.

The duties under the schools health promotion and nutrition Act and the school food and drink Regulations are monitored by Education Scotland’s Health and Nutrition Inspectors as part of school inspections.

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Department of Health. Dietary Reference Values for Food Energy and Nutrients for the United Kingdom. Report on health and social subjects 41. London: HMSO, 1991

Since our school food and drink Regulations were first introduced in primary schools in 2008 and secondary schools in 2009, the scientific and dietary advice on which they were based has changed. This includes the recommendations from the Scientific Advisory Committee on Nutrition (SACN) on Energy<sup>2</sup>, Carbohydrates and Health<sup>3</sup> and Iron and Health<sup>4</sup>. which led to the Scottish Dietary Goals being updated and accepted by the Scottish Ministers in 2016.

In 2017, a short-life technical working group (TWG) was convened to review the current school food and drink Regulations. The TWG put the health and wellbeing of children and young people at the heart of their considerations. Their approach was to bring the school food and drink Regulations in closer alignment with the Scottish Dietary Goals, using the most up-to-date scientific evidence base and knowledge of current school food practices.

The TWG have now presented their report and recommendations to the Deputy First Minister who is keen to ensure everyone who feels they have something to contribute to this work is provided with an opportunity to do so.

This consultation asks five questions designed to seek your views on four key themes that underpin the recommendations made by the TWG in their report. The TWG report will be made available on the Scottish Government website.

This consultation deals with the nutrient content of food and drink provided in schools. It will not seek comments about how food and drink is delivered in schools, for example, dining hall facilities or length of the school lunch break which is covered by the guidance document 'Better Eating, Better Learning – a new context for school food'. It will also not seek comment relating to food education such as cooking skills which is delivered through Curriculum for Excellence and cannot be addressed by making changes to the school food and drink Regulations.

The responses to this consultation will be used to consider what further changes need to be made to the recommendations before they are used to draft the new version of the Nutritional requirements for food and drink in schools (Scotland) Regulations which will then begin their parliamentary journey and be subsequently implemented in Scottish local authority and grant maintained schools.

The supporting guidance document called '[Healthy Eating in Schools - A guide to implementing the nutritional requirements for food and drink in schools \(Scotland\) Regulations 2008](#)' will be updated in advance of the new school food and drink Regulations being implemented and the responses to this consultation may also be used where appropriate to inform the development of this guidance.

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/339317/SACN\\_Dietary\\_Reference\\_Values\\_for\\_Energy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/339317/SACN_Dietary_Reference_Values_for_Energy.pdf)

3

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/445503/SACN\\_Carbohydrates\\_and\\_Health.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445503/SACN_Carbohydrates_and_Health.pdf)

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/339309/SACN\\_Iron\\_and\\_Health\\_Report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/339309/SACN_Iron_and_Health_Report.pdf)

## **Theme One – Increase access to fruit and vegetables**

### **Introduction**

Dietary data presented in the [Scottish Health Survey 2016](#) tells us most children and young people are consuming far fewer portions of fruit and vegetables than is recommended within the [Scottish Dietary Goals](#). The Scottish Ministers are committed to ensuring every pupil leaves school equipped with the skills, knowledge and experience they need to make better health choices and live longer, healthier lives free from avoidable, diet related conditions. The food and drink they are offered in school can have a big influence in habit setting which is why fruit and vegetables form part of the current school food and drink Regulations. We propose to amend the school food and drink Regulations to ensure it is easier for children and young people to access more fruit and vegetables as part of their school day.

In particular, we propose to amend the school food and drink Regulations to require a minimum of two portions of vegetables and a portion of fruit to be offered as part of a primary school lunch. In addition, full portions of fruit and/or vegetables must also be made available in any place within the school where food is provided, for example a tuckshop.

For secondary schools, we propose to amend the school food and drink Regulations to require two portions of vegetables and a portion of fruit to be offered as part of a full school lunch. In addition, where secondary pupils are choosing to take a main meal rather than a full lunch, that main meal must include salad or vegetables as part of the price. Full portions of fruit and/or vegetables must also be made available in any place within the school where food is provided for example a morning break service.

### **Question One**

What are your views on our intention to amend the current school food and drink Regulations to ensure children and young people are able to access more fruit and vegetables as part of their school day.

## **Theme Two – reduce the sugar content of school food and drink provided in schools**

### **Introduction**

It is well [documented](#) that children and young people in Scotland are consuming too much sugar in their diets and that this can have a serious impact on their health. The sugar content of school food and drink is already restricted by the existing school food and drink Regulations. But since they were introduced, the Scottish Ministers agreed to the Scottish Dietary Goals being updated to reflect dietary advice from the Scientific Advisory Committee on Nutrition (SACN) recommending that sugar intake is reduced further. As such our intention is to amend the school food and drink Regulations to reduce the amount of sugar provided by food and drink at lunchtimes and at all other times of the day, for example morning break or from vending machines.

In particular we are proposing to introduce a limit on the frequency of provision of sweetened and baked foods typically high in sugar in primary schools at lunchtime, along with introducing sugar limits for products such as breakfast cereals, yoghurts,

sweetened and baked products across the school day. This is designed to reduce sugar provision over the school day and encourage more consumption of fruit and lower sugar alternatives.

In addition we are proposing changes to the lists of permitted drinks.

For primary schools we aim to reinforce the message that water, plain lower fat milk and calcium enriched milk alternatives should be the main focus with no added sugar, lower fat milk drinks (for example flavoured milk and hot chocolate) and drinking yoghurts being permitted at the discretion of schools and local authorities to allow additional choice. Fruit juice, vegetable juice, smoothies and fruit juice combinations will no longer be on the permitted drinks list, due to their high sugar content.

For secondary schools we aim to reinforce the message that water, plain lower fat milk and calcium enriched milk alternatives should be the main focus with tea, coffee, no added sugar, lower fat milk drinks (for example flavoured milk and hot chocolate), drinking yoghurts and sugar free drinks (excluding high caffeine) being permitted at the discretion of schools and local authorities to allow additional choice. Fruit juice, vegetable juice, smoothies and fruit juice combinations will no longer be on the permitted drinks list, due to their high sugar content.

There is already a duty on schools to ensure drinking water is made available to pupils, free of charge.

## **Question Two**

What are your views on our intention to amend the current school food and drink Regulations to ensure the amount of sugar children and young people can access over the course of the school day is reduced.

## **Theme Three – provision of red and red processed meat**

### **Introduction**

In 2010, the Scientific Advisory Committee on Nutrition (SACN) published robust evidence linking red and red processed meat to an increased risk of colorectal cancer in later life. In 2013, the Scottish Ministers agreed a new Scottish Dietary Goal limiting red and red processed meat. More recently, in 2017, the World Cancer Research Fund<sup>5</sup>, published updated evidence which strengthens the links between red and red processed meat and risk of developing colorectal cancer in later life, particularly with respect to red processed meat.

Red meat can provide a good source of vital nutrients such as iron and inclusion in the school meal menu can contribute to meeting the nutrient standards. In order to retain this benefit but minimise the risk to children's health, we propose to introduce a maximum level for red and red processed meat as part of school food and drink provision across the school week.

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<sup>5</sup> [http://www.wcrf.org/sites/default/files/CUP%20Colorectal%20Report\\_2017\\_Digital.pdf](http://www.wcrf.org/sites/default/files/CUP%20Colorectal%20Report_2017_Digital.pdf)

### **Question Three**

What are your views on our intention to amend the school food and drink Regulations to set a maximum for red and red processed meat in primary school lunches and for overall provision in secondary schools

## **Theme Four - A change to the application of nutrient standards in secondary schools**

### **Introduction**

Young people in secondary schools buy and consume food and drinks in a very different way to primary school children. For a wide range of reasons, most tend not to sit down and eat a hot two course lunch in the middle of the day, and the consumption of foods outwith the lunch period is far more prevalent. Furthermore, most services sell items individually meaning planning provision to meet the nutrient standards does not always lead to the outcome intended. This makes applying nutrient standards in secondary schools challenging.

Our intention is to change the school food and drink Regulations so school meal providers need to demonstrate that young people can still choose and consume a meal which meets their nutritional requirements, whilst simultaneously introducing a wider range of food and drink standards across the full school day. These additional food and drink standards, for example, a restriction on the number of pastry products, and a restriction on the amount of sugar and fat contained in sweetened and baked goods, aim to bring all food and drinks provided in secondary schools closer to the Scottish Dietary Goals.

### **Question Four**

What are your views on our intention to amend the school food and drink Regulations to enable caterers to provide a service which better supports secondary age pupils to make balanced and nutritious food and drink choices as part of their school day.

### **Any other comments**

#### **Introduction**

When the school food and drink Regulations were introduced in 2008/9, we were clear they should be viewed as a set of minimum standards on which to build in the following years. Since then, significant investment has been made in school food and drink provision and we all have much to be proud of.

We recognise changing eating habits is a journey and will take time, but we are clear there is no room for complacency in that journey if we are to ensure our children and young people continue to develop positive eating habits that will inform the choices they make in the years to come.

The school food and drink Regulations can support the learning pupils receive via Curriculum for Excellence by helping to ensure food and drinks provided in schools demonstrates what a balanced and nutritious diet should look like over the course of a week. The school food and drink Regulations cannot address issues in relation to

how that learning in food and health is delivered or the facilities and resources which determine how school food and drink is provided.

If there is anything else you feel could be changed in the school food and drink Regulations that would better help ensure children and young people are able to make balanced and nutritious choices during the school day we would like to hear about it.

### **Question Five**

Do you have anything else you wish to comment on in relation to the nutritional content of food and drink provided in local authority, and grant maintained, schools in Scotland via the School food and drink Regulations?

### **Responding to this Consultation**

We are inviting responses to this consultation by 29 August 2018.

Please respond to this consultation using the Scottish Government's consultation platform, Citizen Space. You view and respond to this consultation online at <https://consult.gov.scot/support-and-wellbeing/food-and-drink-in-schools>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 29 August 2018.

If you are unable to respond online, please complete the Respondent Information Form (see "Handling your Response" below) to:

School Food Regulations Consultation  
Area 2C North  
Victoria Quay  
EDINBURGH  
EH6 6QQ

#### Handling your response

If you respond using Citizen Space (<http://consult.scotland.gov.uk/>), you will be directed to the Respondent Information Form. Please indicate how you wish your response to be handled and, in particular, whether you are happy for your response to be published.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form attached included in this document. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

### Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.scotland.gov.uk>. If you use Citizen Space to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so.

### Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to:

School Food Regulations Consultation  
Area 2C North  
Victoria Quay  
EDINBURGH  
EH6 6QQ

Or [schoolfoodregsconsult2018@gov.scot](mailto:schoolfoodregsconsult2018@gov.scot)

### Scottish Government consultation process

Consultation is an essential part of the policy-making process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.scotland.gov.uk>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Consultations may involve seeking views in a number of different ways, such as public meetings, focus groups, or other online methods such as Dialogue (<https://www.ideas.gov.scot>).



Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.



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**RESPONDENT INFORMATION FORM**

**Please Note** this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

- Individual  
 Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name  
 Publish response only (without name)  
 Do not publish response

**Information for organisations:**

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes  
 No



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