

Nutritional Requirements for Food and Drink in Schools

General Comments from the Children and Young People's Commissioner Scotland

I fully support the proposed amendments to the nutritional requirements for food and drink in schools. In my response, I would like to highlight the right to food as a human right enshrined in international law and note that nutrition is an essential component of that right.

The right to food is comprised of three elements -1.) availability 2.) adequacy and 3.) accessibility. The second element – 'adequacy' refers to the dietary needs of an individual which must be fulfilled not only in terms of quantity but also in terms of nutritious quality. The proposed amendments to the current school food and drink regulations are out of date and do not reflect improved scientific evidence relating to nutrition.

In relation to the latter point, I should further note that many households in Scotland are unable to afford healthy food and this should be addressed. The first household insecurity results are published at the end of September as part of the Scottish Health Survey and these must be considered in light of the new nutritional requirements outlined here.

It is worth noting that meeting dietary need also covers being free from harmful chemicals and being culturally appropriate – including in how we access food. It is worth stipulating that there should be enough flexibility to cater for special diets where these are required due to disability or a medical condition. It may on occasion be necessary for the regulations to allow exemptions to ensure that these children are able to participate in both the nutritional and social elements of school meals.

I look forward to these considerations being taken into account in the forthcoming Scottish Government proposals for a good food nation. The amendments to the school food and drink regulations can support pupils' learning by ensuring that food and drinks provided in schools provide a balanced and nutritious diet over a week.

I also wish to draw attention to numerous rights outlined in the United Nations Convention on the Rights of the Child (CRC) which are particularly pertinent to this response and to which the UK is a signatory. These include: article 2 which relates to non discrimination; article 3 (2), the State's duty to ensure that children receive the protection and care they deserve for their wellbeing; article 6, the survival and development of the child to the maximum extent possible; article 24, the child's right to the highest attainable standard of health, with a particular focus on nutrition and health education, article 27 (1) which calls on States to recognise a child's right to a standard of living adequate for their physical, mental, spiritual, moral and social development; article 28, the child's right to an education; article 29, the aims of education, which include development of a child's personality, talent and mental and physical abilities to their fullest potential, and also respect for the natural environment; and article 12 which underlines the key CRC principle of listening to children and young people's views on matters affecting them and ensuring that their views are taken into account.

The Convention on the Rights of the Child insists on the inter-relatedness of all the Convention rights. As the lengthy list illustrates this is very evident in the context of nutrition and its contribution to the health and wellbeing of children and young people.

My response is informed by discussion with nutritionists, school inspectors, those working in front line catering services and children and young people.

The right to food is protected under international human rights and humanitarian law:

- Numerous rights within the CRC relate directly to a right to food which are noted above.
- The Committee on Economic, Social and Cultural Rights which monitors implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) states in General Comment 12 (1999) that "the right to adequate food is realised when every man, woman and child, alone and in community with others, has physical and economic access at all times to adequate food or means for its procurement '(para. 6). The right to food is specifically mentioned in article 13 of that Covenant.

- The right to food is covered under article 25 of the Universal Declaration of Human Rights (UDHR)

1. 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?

When the original regulations were introduced in 2008 (for primary schools) and 2009 (for secondary schools), they were viewed as being minimum standards and there has been considerable progress in food and drink provision in schools which is welcome. However Scientific and dietary evidence¹ has changed considerably since then and these new proposals reflect this compelling evidence.

I support the proposed changes 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. I acknowledge Ministers' commitment to ensuring that all pupils leave school 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 a child eats in schools – and especially in primary schools - sets a pattern for health eating in later life and can impact on future choices. Early childhood is an important time to establish health eating patterns, as habit forming can be difficult to break from later in life.

It can be a challenge to encourage children to eat vegetables and fruit every day and the amendments focus on more access to these, including beyond the school canteen (e.g. tuckshops, vending machines and breakfast clubs). This is important: the 2016 Scottish Health Survey (chapter 4)² shows that most children and young people consume many fewer portions of fruit and vegetables than is recommended in the Scottish Dietary Goals (revised in 2016),³ so moves towards bringing the standards in line with these goals are vital.

Crucial to the success of any changes to diet in schools – and beyond the classroom is buy in from pupils and parents, so they must be involved in decisions that affect them. Article 13 of the CRC refers to the child's right to freedom of expression, which includes the need to seek, receive and impart information and ideas (this must be balanced alongside article 17

¹ Including recommendations from the Scientific Advisory Committee on Nutrition (SACN) on Energy [2] , Carbohydrates and Health [3] and Iron and Health [4]

² <https://www.gov.scot/Publications/2017/10/2970/downloads#res-1>

³ <https://www.gov.scot/Resource/0049/00497558.pdf>

which relates to the child's right of access to appropriate information, and to protection from injurious material. How will the Scottish Government be working with children and young people to ensure that they receive age appropriate information relating to these important changes. I understand that the Children's Parliament have been involved in this consultation and look forward to reading their report.

2. 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?

I fully support of the intention to reduce the amount of sugar children and young people can access over the school day and the promotion of fruit and lower sugar alternatives. Too much sugar can impact on a child's right to a healthy life. The Committee on the Rights of the Child has expressed deep concern about the 'high prevalence of overweight and obesity' arising from poor nutrition practices and food choices and has also called on states to link their education on food choices with environmental considerations and sustainable development. Amending the regulations to ensure that the daily intake of sugar is reduced is a welcome and essential step towards a healthier nation.

I was concerned to hear from Education Scotland of some inaccurate reporting around recipes, particularly with regard to levels of sugar. I hope that these inaccuracies will be ironed out as they skew overall assessments and can hinder progress around reducing the intake of sugar in schools.

I look forward to the progress around the development of Education Scotland's new Inspection and self evaluation framework for schools in Scotland

3. 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?

I support a maximum level for red and red processed meat as part of school food and drink provision across the school week. I note that this reflects the evidence from the Scientific Advisory Committee on Nutrition (SACN) in 2010, which linked red and red processed meat to an increased risk of colorectal cancer in later life and further evidence from the World Cancer Fund which does the same.

This proposed amendment will also link into the revised Scottish Dietary Goal limiting red and red processed meat.

4. 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?

The consultation document notes that young people in secondary schools buy and consume food and drinks in a different way to primary school children e.g. they tend not to sit down and eat a hot two course lunch in the middle of the day. It also notes that they consume more food outside the lunch period. Education Scotland Inspections show that whilst there have been many improvements at primary school level, this is not the case at secondary school level.

I agree that the school food and drink regulations need to better reflect these differences and the concerns highlighted by Education Scotland. Caterers in schools have an essential role in ensuring that children and young people have healthier diets and they must be supported and enabled to provide a service which does this. The amendments I see as being part that change. I would reiterate that in line with article 12, CRC, that young people must be involved in these discussions, be provided with relevant, age appropriate information and be facilitated to express their views freely and appropriately so they can make choices which are informed and reliable. Article 17 of the CRC outlines the importance of access to information and material to children and young people, especially those aimed at the promotion of his or her social, spiritual and moral wellbeing and physical and mental health.

5. 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?

My final comments relate to the role of businesses and human rights and the role of states. I also wish to highlight the importance of involving children and young people in such discussions.

Obligations on states

The right to adequate food imposes three obligations on the State: to respect, protect and to fulfil. The obligation to respect means that States must not take actions that result in preventing access to food. The obligation to fulfil requires States to proactively engage in activities which promote access to food. As we know, many families in Scotland cannot afford a healthy diet. The Scottish Government has a duty to ensure that they are able to.

The obligation to protect requires measures by States that ensure that non State actors do not deprive people of adequate food. This should also include protecting children from pernicious advertising which promotes unhealthy food. I recently attended an event run by Young Scot which focused on businesses and human rights. The young people present were very clear about the role of businesses to protect & safeguard children's rights, which includes providing accurate information, particularly around advertising and marketing.

The young people also spoke about procurement and how local food initiatives can help promote local, seasonal and organic food. Their view was that it was important for children to develop knowledge about where food comes from as well as the links to healthy eating, sustainable development and social responsibility.

Better Eating, Better Learning

The recent Better Education and Better Learning (BEBL) Awards at the recent Assist Conference held in Glasgow in August 2018, highlighted some excellent examples of involving children and young people in developing a healthy approach to food and having a say in their own wellbeing. St Ninian's Early Learning Centre, South Ayrshire, St Joseph's Primary School East Renfrewshire and Holyrood Secondary School in Edinburgh demonstrated how effectively teachers and catering staff had worked with the children and young people (and in St Ninian's case with parents) towards developing a healthier approach to food, one which promoted active learning and wellbeing and linked nutrition with sustainability. Such commendable examples should be built upon and promoted as they are clear examples of putting children's rights in practice.

Conclusion

In conclusion therefore, I support the proposed changes to the nutritional requirements for food and drink in schools and would encourage the Scottish Government to carefully consider the affordability of a healthy diet for low income children as part of this. Being unable to afford a health diet is a major issue in Scotland and sends out a powerful message that a right to food should be included in Scots law as part of the forthcoming programme for Government.

