

Children's Rights and Wellbeing Impact Assessment (CRWIA)

Milk and Healthy Snack Scheme (Scotland) Regulations 2021

February 2021



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19 February 2021**

Policy/measure	The Milk and Healthy Snack Scheme (Scotland) Regulations 2021 (also cited as the Scottish Milk and Healthy Snack Scheme)
Summary of policy aims and desired outcomes	<p>The Scheme will replace the UK Nursery Milk Scheme in Scotland following the devolution of Welfare Foods powers through the Scotland Act 2016.</p> <p>The new Scheme will be delivered by local authorities who will provide direct and upfront funding for all pre-school day care and childminders (Settings) which are registered with the Care Inspectorate; where children spend 2 or more hours per day; and where the settings have registered with their local authority to be part of the Scheme. Under the new Scheme, funding will be available for day care providers and childminders to provide:</p> <ul style="list-style-type: none"> • 189mls (1/3 pint) of plain fresh cow's milk (whole for children over 1 year or to include semi-skimmed for children over 2 years), first infant formula (for children under 12 months), or 189mls (1/3 pint) of fresh goat or sheep milk (whole for children over 1 year or to include semi-skimmed for children over 2 years), or unsweetened calcium enriched non-dairy alternatives for those children who cannot consume cow's milk because of medical, ethical or religious reasons. • A healthy snack item (a portion of fresh fruit or vegetables) for children over six months. • Non-dairy alternative drinks eligible for the Scheme are unsweetened calcium enriched soya drinks for children over 12 months with other unsweetened calcium enriched non-dairy alternative drinks being offered only where necessary. <p>The current claim and reimbursement model will be replaced with an upfront funding model whereby funding will be delivered directly from local authorities to registered day care providers and childminders who wish to participate in the Scheme.</p> <p>This policy includes delivery to an additional cohort of children aged 5 years in pre-school settings. See background for further detail on the specific changes being implemented through the Scheme.</p> <p>The Scheme aims to increase uptake of milk, fruit and vegetables to promote healthy eating habits in children at a</p>

	young age to ensure they have the best start to life, to access and meet nutritional requirements.
Directorate; Division; Team	Children and Families Directorate Improving Health and Wellbeing Division Scottish Milk and Healthy Snack Team
Executive Summary	<p>This CRWIA has been carried out on the Scheme and accompanies the Scottish Milk and Healthy Snack Scheme Regulations 2021. The aim of this impact assessment is to identify and record the anticipated impact of the Regulations on children's rights and wellbeing in Scotland.</p> <p>The CRWIA has been informed by:</p> <ul style="list-style-type: none"> • Public consultation – the Scottish Government undertook a public consultation between 5 April to 28 June 2018 on the proposals for the Scheme as part of the wider consultation on the Scottish Government's approach to Welfare Foods: Welfare Foods: a consultation on meeting the needs of children and families in Scotland. The consultation received 147 responses. The Scottish Government commissioned independent analysis of the consultation responses: https://consult.gov.scot/health-protection/welfare-foods/. • A Short-Term Working group for the development of the new Scottish Scheme was established and comprised of health practitioners, Scottish Government Early Learning and Childcare policy, Scottish Government livestock policy (includes dairy), Local Government representation both Convention of Scottish Local Authorities (COSLA), ASSIST and Association of Public Service Excellence (APSE), Assistant Director of Education Scotland (ADES), as well as third sector organisations such as National Day Nurseries Association, Early Years Scotland and Scottish Childminding Association. This group was able to offer insight into the current UK Nursery Milk Scheme and helped shape the proposals for this Scheme as set out in the public consultation as well as providing feedback in relation to designing the new Scheme proposals. • COSLA's collaborative involvement has meant its governance groups such as the Children and Young People's Board, Early Learning and Childcare Finance Working Group, ADES Early Years Network, Leadership Sounding Board, COSLA Leaders, Data

	<p>Issues Working Group, Settlement and Distribution Group have all scrutinised agreed proposals on how this Scheme could be delivered across all local authorities.</p> <p>During the development of the policy, a negative impact was identified for those children who are unable to consume cow's milk due to medical, ethical or, or religious reasons. These children will be unable to benefit from the cow's milk element of the Scheme but we have sought advice from Food Standard Scotland to identify safe and nutritious alternative drinks to cow's milk which can be included in the Scheme. These include goat, sheep and unsweetened calcium enriched non-dairy alternatives for those children who cannot consume cow's milk. Non-dairy alternative drinks eligible for the Scheme are unsweetened calcium enriched soya drinks for children over 12 months with other unsweetened calcium enriched non-dairy alternative drinks being offered only where necessary.</p>
<p>Background</p>	<p>Section 27 of the Scotland Act 2016 Act came into force on 8 February 2019, devolving all functions relating to the subject-matter of section 13 of the Social Security Act 1988 ("the 1988 Act"). This instrument uses the powers in section 13 of the 1988 Act to devolve a new Scheme, which provides milk and healthy snacks to all pre-school children ranging from 0-5 years. The new Scheme will replace the UK Nursery Milk Scheme which is delivered by the UK Department of Health and Social Care. The Scottish Scheme will:</p> <ul style="list-style-type: none"> • Be delivered by local authorities who will provide upfront funding for all pre-school day care and childminder settings which are registered with the Care Inspectorate; where children spend 2 or more hours per day; and where the settings have registered with their local authority to be part of the Scheme. • 189mls (1/3 pint) of plain fresh cow's milk (whole for children over 1 year or to include semi-skimmed for children over 2 years), first infant formula (for children under 12 months), or 189mls (1/3 pint) of fresh goat or sheep milk (whole for children over 1 year or to include semi-skimmed for children over 2 years), or unsweetened calcium enriched non-dairy alternatives for those children who cannot consume cow's milk because of medical, ethical or religious reasons.

	<ul style="list-style-type: none"> • A healthy snack item (a portion of fresh fruit or vegetables) for children over six months. • Non-dairy alternative drinks eligible for the Scheme are unsweetened calcium enriched soya drinks for children over 12 months with other unsweetened calcium enriched non-dairy alternative drinks being offered only where necessary.
<p>Scope of the CRWIA identifying the children and young people affected by the policy, and summarising the evidence base</p>	<p>The Scheme provides a funded allocation of 1/3 pint of cow, sheep, goat milk, or infant formula, or unsweetened calcium enriched non-dairy alternative drinks and a healthy snack item (a portion of fresh fruit or vegetables), per day to eligible children. The Scheme endeavours to promote a healthy diet from early years and provide essential nutrition to children.</p> <p>This CRWIA relates to all pre-school children, who attend an eligible pre-school day care provider or childminder for a minimum of 2 hours per day.</p> <p>Research and evidence: there are a number of research findings that have informed the CRWIA. This evidence reports on the impact of diet in the formative years on lifelong health and the links between inequality and poorer health outcomes. This evidence is supported by the UK Government’s Department of Health and Social Care, Child Poverty Action Group (CPAG), Scientific Advisory Committee on Nutrition (SACN), Food Standard Scotland (FSS) and the National Institute for Health and Care Excellence (NICE). In particular the Setting the Table guidance which provides guidance to day-care providers and childminders on standards for food provision within early years childcare provision, emphasises that childcare providers, staff and managers have a key role to play in encouraging young children to try new foods and to establish regular eating patterns. It acknowledges that the experiences they provide in the childcare setting can encourage young children to make healthy food choices. The guidance highlights that for a 1-5 year old child to have a healthy balanced diet it is recommended that this should be based around the four food groups one being the consumption of fruit and vegetables and another being dairy or alternatives. This highlights the importance childcare providers are in the success of the new Scheme.</p>
<p>Children and young people’s views and experiences</p>	<p>The children directly affected by the policy this CRWIA supports are very young, i.e. pre-school age. Mindful of this, we focused on a 2016 report by Nourish Scotland entitled</p>

	<p>“Living is More Important than Just Surviving” - Listening to what children think about food insecurity.</p> <p>The methodology of the Nourish report was developed following four semi-structured sessions, featuring 32 primary school children (aged between 5 to 11), with a near even gender split and ethnic diversity from across Renfrewshire, Dundee, Glasgow and Edinburgh.</p> <p>Some of the children knew each other while others met for the first time at the sessions. Children were able to express themselves in semi structured activity sessions discussing three themes:-</p> <ul style="list-style-type: none"> • what food children need to grow big and strong • what barriers there are to getting enough of the foods children need • whose responsibility it is to make sure children get the food they need and what could they do <p>Key principles of the activity sessions were that they created an opportunity for children to express themselves and to feel safe, listened to and respected. The activities were structured to allow children to discuss the themes generally or in relation to fictional families. Children were not directly asked about their experiences of food insecurity – but sometimes children used their own experiences as a reference point for how other children might feel or think.</p> <p>Further to this, in 2017 the Children’s Parliament produced a report entitled ‘What Kind of Scotland?’ The key finding of that report was children identifying poverty as the biggest barrier to quality of life, the children linked this poverty to not having enough food to eat. The children went on to identify that in order for all children to have a ‘best start’ in life they needed healthy food to eat from pregnancy through to young adulthood, with a focus on the healthy food that toddlers need to eat. The children went on to identify that they like living in Scotland as it’s a safe place to live but they worry about their health, they worry about obesity, heart disease and cancer and they talk about poverty leaving children hungry. The children go on to make suggestions of ways to alleviate poverty for families across Scotland to improve quality of life at home, at school and in the community.</p>
Key Findings	UNCRC Rights:

To include impact on UNCRC rights and contribution to wellbeing indicators

There is great potential for the Scheme to have a positive impact on children's rights through supporting children to have access to a healthy diet through their registered Early Learning and Childcare setting. The relevant articles include, but are not limited to the following:

Article 2 (non-discrimination) The Convention applies to every child without discrimination, whatever their ethnicity, gender, religion, language, abilities or any other status, whatever they think or say, whatever their family background.

Article 3 (best interests of the child) The best interests of the child must be a top priority in all decisions and actions that affect children.

Article 18 (parental responsibilities and state assistance) Both parents share responsibility for bringing up their child and should always consider what is best for the child. Governments must support parents by creating support services for children and giving parents the help they need to raise their children.

Article 24 (health and health services) Every child has the right to the best possible health. Governments must provide good quality health care, clean water, nutritious food, and a clean environment and education on health and well-being so that children can stay healthy. Richer countries must help poorer countries achieve this.

The Scheme has been developed with the best interest of the child (article 3) with a focus on a child's healthy development. The Scheme aims to support ALL pre-school children in a registered childcare setting (Article 2) to have access to a healthy nutritious diet (article 24) in the earliest of years. The Scheme enables this through providing financial support to registered day care providers and childminders to provide cow's milk, or first infant formula (under 12 months), plus goat, sheep and unsweetened calcium enriched non-dairy alternatives; and a healthy snack item (a portion of fresh fruit or vegetables). The Scheme will set positive early healthy eating habits which will assist parents in helping to raise their children in the best possible way (article 18).

Wellbeing

We expect the Scheme to have a positive impact on the following wellbeing indicators:

Healthy – the Scheme supports children in the earliest years to have access to a healthy diet. It continues the provision of milk as with the UK Nursery Milk Scheme, while

	<p>expanding this provision to include all 5 year olds in day care or childminder settings. The Scheme has also included a healthy snack to help tackle low consumption of fruit and vegetables. The introduction of sheep, goat and unsweetened calcium enriched non-dairy alternative drinks and fruit and vegetables will provide additional source of nutrition for children, particularly if they are unable to consume cow's milk or dairy products. The inclusion of alternative animal milks to cow's milk such as goats and sheep milk will provide alternative nutritional support for those who cannot consume cow's milk due for medical, religious or ethical reasons. Access to a healthy diet in the earliest years supports children in making healthy eating choices that can be carried on throughout childhood into adult life.</p> <p>Achieving – there is strong and growing evidence of the impact of diet in early years on longer term outcomes including educational attainment. Having a healthy diet can help children to achieve their full potential.</p> <p>Nurtured – by providing financial support for registered day care and childminder settings to purchase milk, unsweetened calcium enriched non-dairy alternative drinks and a healthy snack, the Scheme will help parents and those working within services to nurture and care for the children allowing access to a healthy diet.</p>
<p>Conclusions and Recommendations</p>	<p>Based on the evidence gathered, the Scottish Government considers that the Regulations do not negatively impact upon the rights of the child as set out in the Articles of the UNCRC, nor upon the indicators of wellbeing (SHANARRI).</p> <p>From the stakeholder engagement exercise there no concerns raised and respondents were in agreement that children's rights will not be negatively affected. It was noted that the Scheme will enable pre-school children to continue to receive their milk portion; and the policy will be more inclusive than the current Scheme, thus ensuring that more children's health requirements are being met.</p> <p>Parent representative organisations highlighted that from a parent's perspective this initiative is likely to be seen as positive and inclusive for children who cannot consume dairy or whose family choses to be vegan. Extension to five year olds was also noted as being very positive.</p> <p>The CRWIA, along with consultation analysis and discussions with key stakeholders, has demonstrated that</p>

	the Scottish Scheme will be a valuable policy to support the best outcomes for children.	
Monitoring and review	<p>Monitoring and review will be proportionate. The Scottish Government intend to use existing platforms to evaluate the performance of the Scottish Scheme. This will include collaboration with the Care Inspectorate which will help in identifying any underlying issues that may need to be addressed. Local authorities will also be responsible for an effective monitoring procedure from a financial perspective reporting back to the Scottish Government.</p> <p>The CRWIA will continue to be reviewed and updated where necessary during the implementation of the Scheme.</p>	
CRWIA Declaration		
CRWIA required		CRWIA not required
Yes		
Authorisation		
Policy lead Philip Canavan, Family Unit, Improving Health and Wellbeing Division	Date 19 February 2021	
Deputy Director or equivalent Mairi Macpherson, Deputy Director, Improving Health and Wellbeing Division	Date 19 February 2021	



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