

Children's Rights and Wellbeing Impact Assessment for the Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2020

April 2021

CRWIA Stage 1

Screening - key questions

(Hyperlinks will only work within SG, please contact SG if you require the links.)

1. Name the policy, and describe its overall aims.

The Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2008. This policy will replace the existing regulations which govern the nutritional requirements for school food and drink, replacing them with those recommendations made by the Technical Working Group in its [report](#) which was published in 2017.

2. What aspects of the policy/measure will affect children and young people up to the age of 18?

All aspects of this policy will affect children and young people of school age – where they attend education authority or grant aided schools and choose to take school meals. The regulation, and therefore policy, also applies to evening meals provided in hostels maintained by a local authority for pupils.

The regulation also applies to food and drink served in schools at other times of the day, including breakfast clubs, tuckshops, vending machines and after school clubs held on school premises.

3. What likely impact – direct or indirect – will the policy/measure have on children and young people?

The policy is intended to have a beneficial effect on the health of children and young people by aligning school food and drink provision more closely to the Scottish Dietary Goals, which were updated in 2016.

This will ensure they have access to balanced and nutritious food and drink across the school day, including lunch, and where a pupil resides in a local authority run hostel, they will also benefit from a balanced and nutritious evening meal which must comply with the regulations.

4. Which groups of children and young people will be affected?

This policy will apply to publicly-funded primary, secondary and special schools.

Although the regulations do not apply to them, it may also have an effect in independent schools who voluntarily chose to adopt some of the measures set out in the regulations.

This policy will affect any child or young person who attends a publicly-funded school in Scotland, i.e. a local authority run or grant-aided school, where they choose to take school meals (regardless of whether those school meals are free or paid-for).

In 2018, there were 348,728 children and young people taking school meals in Scottish schools. 188,112 of those were taking a free school meal.

This policy will also affect any pupil who resides and takes a meal in a local authority run hostel.

This policy will also affect any pupils who choose to take food or drink provided in

schools at other times of the day for example breakfast clubs, tuckshops, vending machines and after school clubs held on school premises.

5. Will this require a CRWIA?

A CRWIA will be undertaken. The impact of this policy is expected to have a beneficial effect on the health of children and young people who are of school age.

CRWIA Declaration

Tick relevant section, and complete the form.

CRWIA required

CRWIA not required

Y

Authorisation

Policy lead

Douglas Forrester, Support and Wellbeing Unit, Learning Directorate

Date 2 August 2019

Deputy Director or equivalent

Name, title, division (or equivalent)
Kit Wyeth, Deputy Director, IAW

Date 2 August 2019

CRWIA Stage 2

The CRWIA – key questions

(Hyperlinks will only work within SG, please contact SG if you require the links.)

1. Which UNCRC Articles are relevant to the policy/measure?

List all relevant Articles of the UNCRC and Optional Protocols.

Article 3 Best interest of the child

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

Article 24(2)(c) Health and health services

Every child has the right to the best possible health. Governments should combat disease and malnutrition through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution

2. What impact will the policy/measure will have on children's rights?

Positive

The proposed 2020 regulations will replace the the existing regulations on the nutritional requirements for food and drink in schools and bring school food and drink provision closer towards the Scottish Dietary Goals which are based on the most up to date scientific evidence and dietary advice. The regulations also apply to evening meals provided to pupils who reside in a local authority run hostel.

The improvements are therefore expected to enhance children's right to healthy and nutritious food.

3. Will there be different impacts on different groups of children and young people?

There is an age-related element to this policy. It covers the provision of food and drink in education authority and grant aided schools, so its impact will only be on children and young people of school age attending a publicly funded school in Scotland. It will also apply to school age pupils who are provided with an evening meal in a local authority run hostel. The policy will not impact on pre-school children or young people aged between 16 and 18 who have left school. It will not usually impact children or young people attending an independent school as they are not subject to the current Regulations however many independent schools do adopt several of the standards set out in the Regulations voluntarily.

The impact on school age children attending publicly funded schools and taking a school lunch (and/or an evening meal in a local authority run hostel) will be the same for all groups. As uptake of free school meals is higher than for paid for school meals, there may be a disproportionate positive effect on children and young people entitled to free school lunches where they chose to take them.

4. If a negative impact is assessed for any area of rights or any group of children and young people, what options have you considered to modify the proposal, or mitigate the impact?

This policy is not considered to have any negative impacts on the rights of children and young people.

5. How will the policy/measure contribute to the wellbeing of children and young people in Scotland?

All food and drink served in education authority and grant aided schools is required to meet nutritional standards set out in legislation. The proposed 2020 regulations will make school meals (and evening meals provided to pupils who reside in local authority hostels) healthier by aligning them more closely to the Scottish Dietary Goals which are based on current scientific evidence and dietary advice. The 2020 regulations will continue to apply to all food and drink served in schools at anytime of the day and from any outlet including breakfast clubs and tuck shops. They will also continue to apply to evening meals provided to pupils residing in local authority run hostels. This will ensure that the overall health and wellbeing of children and young people will be protected.

6. How will the policy/measure give better or further effect to the implementation of the UNCRC in Scotland?

The current school food and drink Regulations were drafted in 2008 and are based on scientific evidence and dietary advice at that time. Since then this evidence and advice has changed. The 2020 regulations will continue to help to meet the right of children and young people to be provided with nutritious food when accessing food and drink in education authority or grant aided schools in Scotland.

7. What evidence have you used to inform your assessment? What does it tell you?

Using information taken from the [datasets](#) which are compiled using data collected for the [Summary Statistics for Attainment, Leaver Destinations and Healthy Living Census](#) we know that uptake of school lunches is higher for those eligible for free school meals than for those who pay – this means that whilst the policy will have health benefits for any child or young person who takes school lunches, it is likely to impact more strongly on those eligible for free school lunches. Given that eligibility for free school meals is based on income, children from lone parent families, low income families and some ethnic and religious minority groups are more likely to benefit from the nutrition provided by school lunches.

8. Have you consulted with relevant stakeholders?

The Scottish Government commissioned Children's parliament to undertake a consultation project with Children and Young People in Scotland, the results from which were used to inform the review of school food regulations.

The Scottish Government also carried out a public consultation on the proposed 2020 school food and drink Regulations. The consultation ran between 4 June and 29 August 2018. We received 1,359 responses to our consultation and the vast majority of respondent agreed with our proposals either fully, or broadly. Our [report](#) on responses to this consultation has been published online.

9. Have you involved children and young people in the development of the policy/measure?

The Scottish Government commissioned Childrens Parliament to undertake a consultation project with Children and Young People in Scotland, the results from which were used to inform the review of school food regulations.

Several organisations representing children and young people responded to our public consultation on this policy including Children in Scotland and the Childsmile National Executive.

Children and young people of school age, and their parents or carers, also had the opportunity to respond to our public consultation as individuals.



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