

REGULATORY IMPACT ASSESSMENT

This RIA considers impact of amended Healthy Eating in Schools Regulations and Guidance for Primary Schools as articulated in the published Draft Regulations and Draft Guidance.

Options

Wales leads the UK in providing free school meals to all primary school children. This important step helps tackle child poverty and hunger, supports learners to achieve, and contributes toward improved health, making a real difference in schools and communities across Wales.

School food in Wales currently offers:

- Free school meals for all primary pupils
- Free and subsidised school milk
- Free breakfasts for primary pupils
- Free school meals for secondary pupils who need them most
- A paid meal service in secondary schools

While many factors influence children's education and health outcomes, evidence shows that strong nutrition standards¹, implemented as part of a whole-school approach, can significantly improve dietary habits. Strengthening these standards is a vital step toward ensuring school food shapes lifelong healthy eating behaviours and improves health and education outcomes. [Wales Centre for Public Policy research](#) shows school meals can:

- Raise educational achievement
- Help develop healthy eating habits and reduce health inequalities
- Fight child hunger and poverty
- Improve family finances

In addition, the Welsh Government is committed to strengthening health outcomes and reducing health inequalities for learners in Wales, we know that currently:

- [One in four reception aged children](#) (about 9,000) start school living with obesity or overweight.
- Children in areas of higher socio-economic disadvantage face greater rates of weight issues
- Many children's diets don't meet national dietary recommendations

School meals can make up a third or more of a child's weekday food intake. Good health and well-being are important to enable successful learning. We

¹ Anderson, M.L., Gallagher, J. and Ritchie, E.R. (2018) School meal quality and academic performance. *Journal of Public Economics*, 168, pp.81-93.

want all learners to be able to access healthy food, understand the importance of a nutritious diet, the impact of their choices on their physical health and well-being, and to develop positive informed behaviours that enhance their health, ability to achieve, overall mood, and energy levels.

That is why the Welsh Government committed in the [Healthy Weight: Healthy Wales Strategy](#) to review the Healthy Eating in Schools regulations, which set out the types of food and drink to be provided in maintained schools and nutritional requirements for school lunch. This phase of the work focuses first on updating food and drink regulations and supporting guidance for primary schools, as well as updating guidance on promoting healthy eating and drinking in all maintained schools in Wales.

Secondary school food is significantly more complex than in primary schools due to the popularity of grab-and-go food options and the wide variety of foods being available during both morning and lunch breaks. We will continue to review the food and drink Regulations for secondary schools and are gathering more data on secondary school food. We are also seeking evidence to help us understand how best to achieve a nutritionally balanced, appealing food offer in secondary schools via our call for evidence.

Updating the Primary Regulations now, to more closely align with current UK Dietary recommendations is the most effective way to deliver consistency on the policy intent of helping primary school children access the food and drink they need to have a healthy diet and reach their potential, including those with special or medically prescribed dietary requirements.

This RIA considers two options to achieve this as it was not considered to be a realistic minimum option to introduce non-statutory guidance. Non-statutory guidance could create inconsistencies across Wales leading to potential health inequalities amongst learners. The two options that have been identified are:

Option 1: Keep the existing 2013 Healthy Eating in Schools Regulations i.e. business as usual

Option 2: Update the Healthy Eating in Schools Regulations and Statutory Guidance in primary schools to reflect the latest UK Government dietary recommendations.

These options are explored in detail below.

Option 1 – Keep the existing 2013 Healthy Eating in Schools Regulations i.e. business as usual

Description

1. The food in schools offer in Wales is underpinned by the [Healthy Eating in Schools \(Nutritional Standards and Requirements \(Wales\) Regulations\) 2013](#). These set out the types of food and drink that must and must not be provided during the school day and define the nutrient content of an

average school lunch. All food provided in local authority-maintained schools, including all Free School Meals, must adhere to these Regulations. This option would mean these Regulations remain unchanged.

Benefits

2. As this option preserves the current position, there are no additional benefits achieved by pursuing it, particularly with regard to improved outcomes for learners. However, in pursuing this option, those risks identified in the analysis of option 2 would not materialise, and in mitigating them this could be perceived as a benefit. The main risks that would be avoided by maintaining the status quo would be the potential for additional pressure on the local catering workforce in adjusting to new requirements, the potential impact on supply chains should proposed changes affect them, and the risk to learners should take up of meals drop initially following the introduction of new Regulations. However, the potential for these risks to materialise does not outweigh the benefit to learners from introducing new Regulations and they will be explored during consultation. Potential impacts will be re-assessed in further detail once consultation responses have been analysed.

Risks

3. Since the current Regulations were introduced, UK Government Dietary recommendations have been revised following publication of advice to the four UK Governments from the Scientific Advisory Committee on Nutrition (SACN). If no action is taken, the Welsh Government will not be maximising the impact that school food provision can have to reduce inequalities and support the development of lifelong good eating habits.

Costs

4. There are no additional direct costs associated with the business-as-usual option in the short term. However, there is a risk that not acting would not maximise our opportunity to reduce the number of children living with obesity or overweight which can lead to diet-related health conditions such as diabetes and heart disease could impose larger costs on the NHS in Wales over time.

Option 2: Update the Healthy Eating in Schools Regulations and Statutory Guidance in primary schools to reflect the latest UK Government dietary recommendations.

Description

5. To update the Healthy Eating in Schools (Nutritional Standards and Requirements) (Wales) Regulations 2013 and supporting Statutory Guidance to reflect the latest UK Government dietary recommendations.
6. The proposed requirements have been updated to closer align with UK Government dietary recommendations as far as was reasonably practicable. They were developed and agreed collaboratively via a Task and Finish Group made up of Public Health Wales, academics, public health dietitians, Wales Local Government Association and local authority catering leads. Some changes include:
 - Offer more fruit and vegetables to help Welsh children get their five-a-day.
 - Provide more wholegrains because evidence suggests Welsh children aren't getting enough fibre.
 - Limit pastry, sweetened baked goods and desserts, and fried foods based on the latest dietary advice.
 - Tailor portion sizes based on age group to help reduce food waste.
 - Reduce processed meat and limit processed alternatives to fish and meat which can be high in salt and saturated fat.
 - Safeguard red meat in moderation to ensure children enjoy its nutritional benefits without overconsumption.
 - Prohibit sugary drinks, which are linked to obesity and tooth decay.
7. The potential benefits, risks and costs identified with updating the Healthy Eating Regulations and Guidance are presented here in draft. They represent our initial understanding through our extensive engagement with a range of partners, including learners, schools, governing bodies, local authority caterers, dieticians, public health, Estyn and academics. The Welsh Government is launching this consultation to hear from everyone with an interest in school food and would welcome feedback on the impacts set out below.

Benefits

8. Children spend a significant proportion of their daily lives in school and the food they are provided can contribute over a third of their daily requirements. Evidence indicates that when meals are backed up by nutritional requirements, this has been beneficial to educational outcomes.² Evidence also indicates the benefits of nutritional requirements in school food on health outcomes. Ensuring that the food provided in schools contributes towards improved outcomes for learners represents better value for money to the public purse.
9. The introduction of the universal provision of free school meals for children in primary schools along with the commitment in Healthy Weight: Healthy Wales to review school food present a unique

² Anderson, M.L., Gallagher, J. and Ritchie, E.R. (2018) School meal quality and academic performance. *Journal of Public Economics*, 168, pp.81-93.

opportunity to ensure that the latest UK Government dietary recommendations are reflected consistently in the provision on offer to all primary children.

10. Updating the Regulations and applying them in the context of a whole school approach to food and food education, represents an effective method for helping increase access to healthier food as well as supporting the development of healthy eating behaviours and food choices that can contribute toward improved outcomes and quality of life for children and young people living in Wales.
11. More nutritious school food could help to reduce the risk of diet-related health problems such as obesity, cancer, coronary heart disease and type 2 diabetes – The UK-wide annual full cost of obesity is an estimated £58 million with the estimated annual NHS spend on obesity-related diseases is £6.5 billion.³
12. Updating the Regulations would fulfil the Welsh Government's commitment made in the [Healthy Weight: Healthy Wales Strategy](#) to bring forward the '*implementation of revised school food regulations*' which are in line with the latest requirements and guidelines. This is part of a National Priority to enable our education settings to be places where physical and mental health remains a priority to '*reduce the impact of poor health and inequality.*'
13. Furthermore, considering and aligning provision with the latest health recommendations for child nutrition contributes toward Welsh Government's Programme for Government commitment to meet the [Well-being of Future Generations \(Wales\) Act](#) goal of a '*Healthier Wales*' and a '*society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood*'.
14. There are reports that some children are reporting as hungry following their school lunch. The revised Regulations will introduce a minimum and maximum serving size on certain provisions. We will ensure there is no upper limit on the food we want to encourage, such as fruit, vegetables and bread which is at least 50% wholegrain, whilst limiting foods which contain sugar and saturated fat which increase the risk of diet-related health problems. These changes have the potential to further help address the issue of hunger in schools.
15. Updating the Regulations and accompanying Statutory Guidance creates an opportunity for greater promotion of healthy eating and drinking by schools, strengthening knowledge and awareness, and contributing to positive lifelong healthy eating behaviours. At the same time, better

³ [Estimating the full costs of obesity - Frontier Economics](#)

nutrition could support improved behaviour and attainment within schools.⁴

16. Food is of fundamental importance in Wales and has multiple dividends including strengthening the foundational economy through jobs and growth, improving security of food supply, being vital to health and wellbeing, and playing an influential role in helping Welsh Government to realise its net zero ambitions through the types of food that we eat and the shortening of supply chains. The co-production and implementation of updated Regulations and Guidance continue to provide opportunities to further boost supply of Welsh, sustainable produce.
17. This includes through local authorities continued adoption of Welsh Government's guidance: '[Harnessing the Purchasing Power of the Public Plate for a Healthier, Wealthier Wales – a Legal Guide to Embedding Sustainability into Food Procurement](#)' for all food contracts/framework agreements delivering school food in the context of revised regulations.
18. This will help ensure greater emphasis on quality and provenance in food procurement, embed foundational economy approaches, and should be applied in the context of new regulations and guidance to help maximise the amount of local, sustainable, and seasonal food on school menus.
19. The increase in fruit and vegetables within the updated Regulations for primary schools also provide an opportunity to increase local production. This will help maximise the impact of existing projects funded by the Welsh Government like the 'Welsh Veg in Schools' project, and new product development on Welsh dishes by Castell Howel, and Larder Cymru who are working with Local Authorities to review menus and increase the volume of local fruit and vegetables. Continuing to work with the agriculture sector in Wales to develop new opportunities to increase local supply is crucial and offers mutual benefits.

Risks

20. Local authorities have been extensively engaged in the development of the updated Regulations for primary schools, with a pre-consultation testing and reflection phase allowing the proposals to be considered and further refined prior to drafting these updated Regulations. The proposals could initially present risks to delivery if there are challenges for catering services to adjust to the new requirements or there is a need to identify new or amend existing supply chains.
21. The updated Regulations for primary school's limit processed meat, remove fruit juice, reduce the frequency of sweetened, baked desserts and only offer 50% wholegrain bread. This could be perceived as limiting children's freedom of choice. Limiting availability of popular food choices

⁴ [Report-The-effects-of-Universal-Free-School-Meals.pdf](#)

could also increase child hunger if children do not eat what is offered. This could have a particular impact on children living in socio-economic disadvantage who are also more likely to be from some ethnic minorities and from families with disabled people, these children may be more reliant on the meal in school. Therefore, our consultation will aim to engage with children and young people to understand food choices, hear their views and further explore impacts. We also understand that, where similar changes have been taken forward in other UK nations, where there were initial drop offs in take up of provision, these were supported to return to normal levels following a period of adjustment.

22. The existing Regulations for primary schools require at least 2 servings of any meat cuts per week but the updated Regulations propose that red meat must be served at least once per week and a maximum of twice, as well as limiting processed meat to once a week. While this change effectively secures red meat on the menu, alongside unlimited cuts of white meat, applying an upper limit for red meat could also be perceived as restricting access to it. We are therefore aware of potential perceived risks for agriculture and food supply businesses who supply red meat, sausages and bacon for school meals and want to better understand potential impacts through our consultation.

23. Reducing food waste is a key part of our transition to a circular economy. The updated Regulations and Guidance for primary schools include changes to portion size which may help to reduce food waste, but changes in food groups offered may, at least initially, result in some additional food waste.

Costs

24. Initial pre-consultation testing of the Regulations for primary schools by local authorities has suggested that there might be an increase in cost in some areas of meal provision but there is currently limited evidence. There could also be cost savings due to other changes being proposed (including reducing portion sizes for infants, for example). This will be kept under review, and we anticipate developing a better understanding through consultation and feedback.

25. The school food Regulations allow caterers flexibility to incorporate choice and apply discretion in the school lunch menu design. This means that whilst the cost of provisions will continue to be considered when designing menus, substitutes could be made where costs of some items are prohibitive. There could however be initial transitional costs for local authorities to source and supply healthier alternatives. Further, in developing new menus that reflect local communities, including religious needs, special diets, and cultural preferences, there is the potential for costs to be impacted on. The Welsh Government would welcome feedback from partners on this matter as part of the consultation.

26. The budget for delivering primary school food for pupils eligible for free school meals is through the revenue support grant. In addition, a demand-led budget is allocated to local authorities for the costs of delivering all other school meals that come under the universal free school meals offer in primary schools. As part of the consultation, the Welsh Government will look at whether there will be any additional costs for delivering the updated Regulations and will work with local authorities to assess how these costs, if any, will be managed. However, no additional costs associated with updating the Regulations will be passed directly onto learners and their families. As set out, a more detailed understanding of the impact of proposed changes on costs will be developed through consultation before they are made.
27. We aim to build upon positive examples of food suppliers working with local authorities to increase the use of Welsh food produce, while also reducing costs, by leveraging bulk purchasing and streamlining the supply chain.
28. Increasing the frequency and variety of vegetables and fruit in primary schools could increase costs however early engagement with local authorities showed that they are already working towards providing learners with more choice of fruit and vegetables. These Regulations will therefore build on existing foundations and ensure consistent standards across Wales.
29. Updating the Regulations may require additional funding for kitchen infrastructure. The Welsh Government would welcome feedback from partners on the infrastructure cost implications as part of the consultation.
30. The updated Regulations will be accompanied by Statutory Guidance which will also bring a familiarisation cost for local authorities and school catering staff who will need to take time to review and understand the new requirements. These costs will be mitigated in part by a funded programme of implementation support (£100k agreed for 2026/27).

Summary and preferred option

31. **Option 1** proposes no change to the current Regulations. These were made over 10 years ago and no longer reflect current UK Government dietary recommendations. Providing school meals that do not align with dietary recommendations will limit the health impact of the universal primary free school meal provision and would mean a missed opportunity for school food to maximise its contribution to improving the health, well-being, and attainment of primary aged learners at school.
32. **Option 2** allows an opportunity to align with the latest UK Government dietary recommendations and evidence indicates revised food/nutritional requirements, delivered in the context of a whole school approach to

food, are an effective long-term strategy to improving nutrition and healthy eating behaviours.

33. There have been long-standing concerns about the number of children who are living with obesity or overweight in Wales, and the impact this has on their health, well-being, and ability to reach their potential. We know that around one in four (about 9,000) start reception school living with obesity or overweight and many are not getting the balanced nutrition they need to thrive. Levels of childhood obesity are worse in our most deprived areas and severe obesity in children continues to rise.⁵ Poor diet is a major contributing factor.
34. The Universal primary free school meals scheme provides a valuable opportunity to ensure children are provided a nutritious school meal each day which, alongside appropriate education and promotion of healthy eating and drinking, can support them to develop lifelong healthy eating habits⁶. Together with free breakfast provision, school milk and school food policies supported by the Welsh Network of Healthy and Sustainable Pre-School Scheme such as fruit/veg at morning break, primary schools may provide a third or more of a child's daily nutrition. This provides a substantial opportunity to contribute to children's health, and establish life-long healthy dietary habits
35. It is not considered that a business as usual approach would outweigh the benefits of revising the Regulations to closer align with UK Government dietary recommendations. Revision of the Regulations under **Option 2** creates the opportunity to build on the strengths of the existing Regulations and refine them further to ensure that food and drink in schools provides essential nutrients, and that saturated fat, sugar and salt are restricted.
36. Therefore, **Option 2** is the preferred option.

6. Competition Assessment

The full competition assessment will be completed post-consultation. We will use the consultation to gather any information and evidence to help inform the final assessment.

7. Post implementation review

Following a final decision on the policy as a result of the public consultation and the making of new regulations, methods of evaluation will be considered and will be essential in measuring the impact of this new policy. A range of

⁵ [Eliminating weight stigma - guidelines for BDA communications - British Dietetic Association \(BDA\)](#)

⁶ [Diet, behaviour and learning in children - BDA](#)

opportunities exist that can be used to support monitoring and evaluation of any changes. These include existing education and health data-sets and indicators which can be compared over time, the independent evaluation of the universal primary free school meals commitment, data on public procurement, market insight, engagement and social listening.