

Equality Impact Assessment:

Version one, date: 20/05/2025

The Healthy Eating in Schools (Nutritional Standards and Requirements) (Maintained Primary Schools) (Wales) Regulations 202[X]

An assessment of the Regulations and associated Guidance on the impact on equality.

A. EQUALITY IMPACT ASSESSMENT

1. Describe and explain the impact of the proposal on people with protected characteristics as described in the Equality Act 2010.

What is being considered

Since the current [Healthy Eating in Schools \(Nutritional Standards and Requirements\) \(Wales\) Regulations 2013](#) (“Regulations”) came into force, there have been some changes to UK dietary guidelines based on recommendations from the Scientific Advisory Committee on Nutrition (SACN).

The Welsh Government intends to hold a consultation on updated Regulations for primary schools and the relevant Statutory Guidance which set out what food and drinks can be offered in schools in May-July 2025. The intention is to lay the Regulations in December 2025, and for this to come into force in the 2026-27 financial year.

Draft Guidance (Chapter 1) on responsibility for promoting healthy eating in primary and secondary schools will also be consulted on in May-July 2025, with a final stand alone version published in December 2025.

A broader call for evidence will be held in May-July 2025 to support the continued work to update Regulations for secondary schools but these will not be laid or come into force this Senedd term.

Policy Objective

Our schools are vital places where children spend about 40% of their waking hours, helping shape lifelong eating habits and reducing health inequalities.

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.

We currently offer:

- 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 is also available in secondary schools.

The Welsh Government is committed to strengthening health outcomes and reducing health inequalities for learners in Wales, from the [Obesity in Wales report](#) we know that currently:

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

While many factors influence children's health outcomes, evidence shows that strong nutrition standards¹, implemented as part of a whole-school approach, can significantly improve dietary habits. Strengthening these regulations 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](#) indicates school meals can:

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

We want all learners to 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.

Updating the Regulations would therefore support our "[Healthier Wales](#)" goal - creating a society where people's physical and mental well-being thrives and where healthier choices become easier.

The proposed updated Regulations and Guidance are based on the latest UK Government Dietary recommendations – having worked with learners, parents, schools, governing bodies, local authority caterers, the Welsh Local Government Association, dietitians, public health, Estyn and academics – to ensure that every child in Wales has access to healthier food at school.

Our updated approach aims to:

- Help all children access the food they need for a healthy diet, including those with special or medical dietary needs
- Provide age-appropriate portion sizes to reduce food waste
- Support schools, caterers and partners to put these new requirements into practice
- Balance healthier food with maintaining school favourites
- Make it clear who is responsible for promoting healthy eating in schools and support them to fulfil this duty

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.

Alongside our aim to improve education and health outcomes, and reduce household and child poverty, are longer-term ambitions to support local, sustainable food production. These changes could increase the supply of Welsh food onto the school plate and help to strengthen our Foundational Economy.

However, we also recognise there are a number of risks in relation to inequalities that could be exacerbated by updating the Regulations and Guidance should take-up of school food decline because learners do not like the new menus.

Primary Schools

This phase of the work focuses on updating Regulations and supporting Statutory Guidance for primary schools. Updating the Regulations to more closely align with current UK Dietary recommendations is an effective way to deliver the policy intent of helping 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.

To support the policy development work necessary to review the current Regulations and Guidance, expert groups were established through a Task and Finish approach. These groups reviewed the current food, drink and nutritional requirements for primary schools based on UK dietary recommendations. They also considered the current guidance that supports the promotion of healthy eating and drinking, reflecting on best practice and how roles and responsibilities could be more clearly defined.

While the focus was on achieving the greatest health outcomes, the groups also considered the deliverability and uptake of a future food in schools offer, as well as how this might impact on the sustainability and viability of school food services in Wales. The group's work helped shape proposed revisions to school food requirements for public consultation and informed the drafting of supporting Statutory Guidance.

Key proposed 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.

Together with the universal primary offer, updating the Regulations provides a further opportunity to increase access to healthier food, support the development of healthy eating habits, and ensure healthier choices are easier to make. Failing to ensure that schools foster healthy diets and provide nutritious meals can have significant consequences for [children's health and development](#). Moreover, neglecting access to healthy meals undermines wider legislative and policy objectives of [Rights of Children and Young Persons \(Wales\) Measure 2011](#) and the [Well-being of Future Generations Act 2015](#).

We know that the universal primary offer has increased demand for special diets in primary schools and we recognise the importance of ensuring every learner has access to a healthy and nutritious food offer at school, regardless of their healthcare needs. We also know that current Guidance does not adequately address when food and drink that are deemed 'medically prescribed dietary requirements' should be provided, as well as other relevant dietary considerations. This area, therefore, has also been considered as part of our review.

Secondary School

Extensive work is being undertaken to review the Regulations for secondary schools. The context is different to that in primary schools as most food service is hand-held, 'grab and go' items provided at morning break and lunchtime. A different approach is necessary for secondary schools, with short-term support required to help secondary provision to improve, and more data required on consumption habits to fully understand where the biggest impact can be made to work towards healthier provision over the medium to long term. Food service is shaped by a range of factors including:

- Children coming to school hungry having missed breakfast.
- Pupils not wanting to wait until lunchtime to eat.
- Limited opportunities to sit down and eat a meal due to dining size/space constraints.
- Reduced lunch breaks where time to eat and long queues for service competes with time for socialising/lunch time clubs.
- Wide range of choices at mid-morning and lunch that can be purchased in unlimited combinations make it difficult to balance in terms of nutrition.

We will continue to review the Regulations for secondary schools through collecting more information and data, as well as undertaking additional engagement through the public consultation. Given our understanding, and the importance placed by young people on issues of autonomy regarding food choices, we require more time to hear young people's views on secondary school food. We will hold a call for evidence on secondary school food during the consultation period. However, updated Regulations for secondary schools will not be laid in this Senedd term. The existing Regulations and accompanying Guidance will continue to apply.

Record of Impacts by protected characteristic:

Pupil Level data by Wales for 2024 (pupils in Reception and Years 1 to 6)

Source: Pupil Level Annual School Census (PLASC)

*The pupils eligible for free school meals include those transitionally protected

Characteristic	Number of pupils	Number of eFSM pupils	% eligible for FSM	% of all eFSM pupils (67,586) with the characteristic	% of those with the characteristic and are eFSM of the whole school population (236,986)	% of pupils with the characteristic of the whole school population
ALN/SEN	26,975	12,011	44.5	17.8	5.1	11.4
BAME	35,903	10,369	28.9	15.3	4.4	15.1
GRT	1,060	722	68.1	1.1	0.3	0.4
Mixed	9,849	3,126	31.7	4.6	1.3	4.2
Asian	7,601	1,189	15.6	1.8	0.5	3.2
Black	4,550	1,279	28.1	1.9	0.5	1.9
Female	115,807	33,201	28.7	49.1	14.0	48.9
Male	121,179	34,385	28.4	50.9	14.5	51.1

Reviewing the Healthy Eating Regulations and associated guidance will have a positive impact on all over 235,000 primary aged learners who will have an opportunity to access healthier food which can support the development of healthy eating habits and reduce health inequalities associated with poor diet. This will have a positive impact on all children with the potential to have a greater impact on children living in socio-economic disadvantage as they are more likely to be living with obesity. However, it is recognised that opportunities for this policy to reduce inequalities is highly dependent on the level of uptake.

We also recognise that any negative impacts could be disproportionately felt by some groups of learners and families more than others including disabled children, some children from ethnic minorities, some children with certain religious beliefs and children living in socio-economic disadvantage if their needs are not considered in policy development and menu design. Therefore, our consultation will directly engage with children with protected characteristics and the Guidance will make clearer requirements for adjustments, provision of special diets and how to develop inclusive menu design.

For example, nearly 27,000 learners are recorded to have Additional Learning Needs/Special Education Needs and some may require menu adjustment or additional dining support to access the meal provision and could be negatively

impacted if the local authority or school is unable to continue to meet their specific needs.

In addition, children from some ethnic minorities and religious groups in Wales may have different consumption habits and food requirements that might not be considered in new menu design. This could disproportionately impact on the take up of the offer of a school meal for children from some ethnic minority and religious groups.

If fewer learners choose to access free school meals as a result of the menu changes to comply with the new Regulations this could also disproportionately affect low-income households. PLASC 2024 shows that there are over 67,500 primary aged learners eligible for means tested free school meals (which is widely used as a proxy for socio-economic disadvantage) or transitionally protected. If free school meal take-up were to decline for this cohort it could have a financial impact on families who would need to purchase provisions to provide their children with a packed lunch and may also be forced to reduce spending in other areas, like heating and other essentials, which could negatively impact on children and their families. There could also be a health impact if the children choose not to access a nutritionally balanced meal and could potentially lead to a negative impact upon mental and physical health, as well as reducing engagement in community, education, and cultural activities - widening inequalities.

The PLASC figures for 2024 also demonstrate that children from ethnic minority backgrounds and children with ALN/SEN are disproportionately eligible for free school meals which could place them at an even greater disadvantage than those who are not eligible.

To help mitigate any potential negative impacts, our revised Guidance makes it clear that schools have a duty not to discriminate, either directly or indirectly, against those with a protected characteristic, which could be because of a religion or belief, and that they should work with the learner and their family to consider the necessary support or adjustments in relation to the school food provision.

We will also continue working closely with our key partners to better understand behaviours that might impact on delivery and to identify barriers and opportunities at a local level, to support effective and equitable implementation and mitigate emerging inequalities as they are identified.

Further considerations and mitigating actions are listed below, and we would welcome feedback on these impacts as part of the consultation.

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
Age (think about different age groups)	<p>Updating the Regulations and Guidance is likely to have a positive impact on the health and wellbeing for all primary aged pupils - offering a nutritionally balanced meal which reflects the latest UK Government Dietary recommendations.</p> <p>Evidence indicates that nutrition standards, as part of a whole school approach can have a positive impact on the consumption of healthy food and beverages whilst children are in school. It can also build healthy dietary habits that transfer into adulthood.</p> <p>There may be a risk that some primary aged learners may not take up the food offer because of the choice and type of meals offered and</p>	<p>Evidence demonstrates that over 1 in 4 children are starting school with overweight or obesity in Wales.</p> <p>The Welsh Government committed in its 2020 Healthy Weight: Healthy Wales Strategy to revise the Regulations to help children access the food they need for a healthy diet. Doing so presents an opportunity to offer a nutritionally balanced school meal, building healthier dietary habits early in life to take into adulthood.</p> <p>Evidence gathered during work to revise the Regulations and Guidance has informed our decision to gather more data and engage learners before introducing changes to Secondary school food. It is particularly</p>	<p>Welsh Government will continue working closely with our key delivery partners to monitor the implementation and this will ? further enable us to understand and mitigate emerging inequalities as they are identified.</p> <p>We will also gather data on consumption/food choices in Secondary schools to inform where changes can have the biggest positive impact. The existing Regulations and accompanying Guidance will continue to apply.</p>

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
	<p>their willingness to try new/different foods.</p> <p>Not updating the Regulations and Guidance for Secondary Schools at the same time could lead to inequity of provision between the school phases with older learners (ages 11-18) not being able to access a school meal which reflects the latest UK Government dietary recommendations.</p>	<p>important that the impact of any potential changes to secondary school food are further understood for children with protected characteristics. Without doing this first there is a risk of not achieving our policy aims.</p>	
Disability (consider the social model of disability ² and the way in which your proposal could inadvertently cause, or could be used to proactively remove, the barriers that	Policy proposals will have a positive impact on disabled children. Gaps in the current Guidance that did not adequately address what food and drink are deemed 'medically prescribed dietary requirements' or when other adjustments should	26,975 primary aged learners are reported to have additional learning needs (ALN) or special education needs (SEN). More learners could also be neurodivergent and may require adaptations or face barriers to accessing food. In some instances, adjustments may be	<p>We will work closely with catering leads to understand the impacts of the guidance in accessing the school food offer for disabled children.</p> <p>The Welsh Government are also working with the Welsh Local Government Association's (WLGA) dietician to support for local authorities so that</p>

² Welsh Government uses the social model of disability. We understand that disabled people are not disabled by their impairments but by barriers that they encounter in society. Ensuring that your proposal removes barriers, rather than creating them, is the best way to improve equality for disabled people. For more information, go to the intranet and search 'social model'.

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
<p>disable people with different types of impairments)</p>	<p>be provided have been addressed.</p> <p>Updated Guidance will support learner's rights to a school meal if they have a special or medically prescribed diet because of their disability or health condition. This will have a positive impact on disabled children.</p> <p>There will continue to be a small risk that disabled children could be negatively impacted if the school is unable to meet their specific needs – dietary requirements/access to facilities.</p>	<p>needed to accommodate their needs.</p> <p>Under the Equality Act 2010, there is a duty to make reasonable adjustments for disabled pupils to ensure they are not put at a substantial disadvantage in relation to accessing meals where appropriate.</p>	<p>decisions on additional support to access provision are taken consistently.</p> <p>Revised Guidance makes it clear that schools have a duty not to discriminate, either directly or indirectly, against those with a protected characteristic, which could be because of a religion or belief and that they should work with the learner and their family to consider the necessary support or adjustments in relation to the school food provision.</p> <p>Welsh Government will also continue working closely with our key delivery partners to monitor the implementation and further enable us to understand and mitigate emerging inequalities as they are identified.</p>
<p>Gender Reassignment (the act of</p>	<p>There is currently limited evidence of</p>		

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
transitioning and Transgender people)	any impact on this group		
Pregnancy and maternity	There is currently limited evidence of any impact on this group		
Race (include different ethnic minorities, Gypsies and Travellers and Migrants, Asylum seekers and Refugees)	<p>Some ethnic minorities in Wales may have different consumption habits that might not be considered whilst designing new menus to implement the draft Regulations. This could mean that some ethnic minority children do not take up the offer of a school meal</p> <p>Some ethnic minority families in Wales are also more likely to be living in socio-economic disadvantage therefore if an ethnic minority child does not take up the offer of a meal in school this could disproportionately</p>	<p>Children categorised as 'Black, Black British, Caribbean or African' had a statistically significantly higher proportion of children categorised as with obesity compared with 'White' children</p> <p>The UK census demonstrated that 70.8% of black adults were overweight or living with obesity compared to the 63.8% of all adults.</p> <p>Under the Equality Act 2010, there is a duty to not to discriminate. This will ensure learners are not put at a substantial disadvantage in relation to accessing</p>	<p>The Welsh Government will continue working closely with our key delivery partners to monitor the implementation and further enable us to understand any emerging requirements to tackle any inequalities identified.</p> <p>The Welsh Government will continue to support local authorities to design menus that take into consideration and engage with their local communities, particularly ethnic minorities.</p>

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
	<p>impact on their access to food.</p> <p>Revising the Guidance will support equity of provision across Wales for learners and families requesting reasonable adjustments under the Equality Act 2010</p>	<p>meals where appropriate.</p> <p>Currently, local authorities design menus that respond to the needs and consumption habits of their local community, this should have consideration for the needs of ethnic minorities.</p>	
Religion, belief and non-belief	<p>Revising the Guidance will support equity of provision across Wales for learners and families requesting reasonable adjustments because of their child's cultural or religious beliefs</p> <p>However, there exists a potential negative impact for learners following religious diets if they feel they are unable to access particular food items, such as Halal or kosher meat, which in turn means they do not take up the meal</p>	<p>Under the Equality Act 2010, there is a duty to not to discriminate. This will ensure learners are not put at a substantial disadvantage in relation to accessing meals where appropriate.</p> <p>Currently, local authorities design menus that respond to the needs and consumption habits of their local community, this should have consideration for the</p>	<p>Local authorities remain able to design menus which comply with the Regulations and have discretion to provide alternatives for those requesting adjustments. However, it is recognised that availability and cost could be a barrier to providing learners with specific provisions to meet their dietary needs, including those following religious diets.</p> <p>The Welsh Government will continue working closely with our key</p>

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
	offer. Religious diets may also not be considered in menu design.	needs of religious groups.	delivery partners to monitor the implementation and further enable us to understand any emerging requirements to tackle any inequalities identified.
Sex / Gender	<p>Due to the rates of overweight of obesity being generally higher in boys than in girls, revising the Regulations and associated Guidance is likely to have a more positive effect on males.</p> <p>It is hoped that encouraging and providing a healthy diet from an early age can help support better relationships with food.</p>	<p>Under the Equality Act 2010, there is a duty to not to discriminate by gender.</p> <p>Rates of overweight or obesity are generally higher in boys than in girls.</p> <p>Women are more likely to experience eating problems or disorders than men.</p>	The Welsh Government will continue working closely with our key delivery partners to monitor the implementation and further enable us to understand any emerging requirements to tackle any inequalities identified.
Sexual orientation (Lesbian, Gay and Bisexual)	There is limited evidence of any impact on this group		

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
Marriage and civil partnership	There is limited evidence of any impact on this group		
Low-income households	<p>Reviewing the Regulations and Guidance is likely to have a positive impact on learners from socio-economically disadvantaged households by providing them with a nutritionally balanced meal which could support our ambition to reduce health inequalities.</p> <p>There could also be a potential negative impact if learners from low-income households do not take up the offer on certain days due to changes proposed.</p> <p>In terms of secondary schools, pre-consultation engagement showed that eating habits are different to that of primary settings and therefore the risk of any negative impacts</p>	<p>Evidence shows that children living in areas of higher socio-economic disadvantage face higher rates of weight issues</p> <p>This is of greatest concern for our primary aged learners as evidence shows that poverty rates are greatest for households with younger children.</p> <p>In addition, PLASC 2024 data shows that 67,586 primary aged learners are eligible for means-tested free school meals (which is widely used across Government as a proxy for socio-economic disadvantage) or transitional protected.</p> <p>The Welsh Government committed in its 2020</p>	<p>The introduction of universal free school meals in primary schools provides a focal point and opportunity to continue to improve school food offer. Evidence indicates the important role of food requirements and nutritional standards as part of a whole school approach in improving children's dietary habits, raising attainment and reducing health inequalities.</p> <p>The opportunities to improve the health and eating habits of learners has been carefully considered alongside the risk that fewer learners may take up the school food offer if they do not like the new menus. To mitigate this risk, primary school children will be specifically consulted with on</p>

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
	<p>any immediate changes to the Regulations could have on learners was considered too high.</p> <p>Therefore, in the short term, secondary school learners from families from low-income households will not be able to access a food offer which reflects the latest UK Government dietary recommendations.</p>	<p>Healthy Weight: Healthy Wales Strategy to revise the Regulations. This presents an opportunity to offer a nutritionally balanced school meal, reducing those health inequalities associated with poor diet.</p>	<p>these revised food requirements and nutritional standards and there will be targeted engagement activity for learners to better understand their views and needs.</p> <p>We will hold a call for evidence on secondary school food during the consultation period to better understand habits through engagement with stakeholders and young people. In the meantime, the existing Regulations and accompanying Guidance will continue to apply which means healthy food is available in secondary schools, though it does not reflect the latest UK recommendations.</p> <p>Welsh Government will continue working closely with our key delivery partners to monitor the implementation and further enable us to understand and mitigate emerging</p>

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
			inequalities as they are identified.

Human Rights and UN Conventions

Human Rights	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate negative Impacts?
Human Rights including Human Rights Act and UN Conventions	A rights based approach has been adopted in the development of the new food requirements to increase children's right to access healthy food.	<p>Updating the Regulations and associated guidance has no impact on Articles 2 – 14³, or the following European Convention on Human Rights protocols:</p> <ul style="list-style-type: none"> Protocol 1, Articles 1 (the right to peaceful enjoyment of possessions) and 3 (the right to free elections). 	A full CRIA has been undertaken.

³ Article 2 - The right to life; Article 3 - Freedom from torture or de-grading treatment; Article 4 - Prohibition of slavery and forced labour; Article 5 - The right to liberty and security; Article 6 - The right to a fair trial; Article 7 - No punishment without lawful authority; Article 8 - The right to respect for private and family life and correspondence; Article 9 - Freedom of thought, belief and religion; Article 10 - Freedom of expression; Article 11 - Freedom of assembly and association; Article 12 - The right to marry and found a family; Article 13 - The right to an effective remedy; Article 14 - Prohibition of Discrimination in respect of these rights and freedoms.

		<ul style="list-style-type: none"> Protocol 13, Article 1 (abolition of the death penalty). 	
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EU/EEA and Swiss Citizens' Rights

There will not be any negative impacts on EU/EEA and Swiss Citizens' Rights as a result reviewing the Regulations and associated Guidance. Individuals falling within scope of the Citizens Rights Agreements will have the same entitlements to a healthy school meal.