



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

**Y Pwyllgor ar y Mesur Arfaethedig ynghylch
Bwyta'n Iach mewn Ysgolion
The Proposed Healthy Eating in Schools Measure
Committee**

**Cyfnod 1
Stage 1**

**Dydd Mawrth, 24 Mehefin 2008
Tuesday, 24 June 2008**

Cynnwys
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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal,
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Angela Burns	Ceidwadwyr Cymreig Welsh Conservatives
Jeff Cuthbert	Llafur Labour
David Lloyd	Plaid Cymru The Party of Wales
Kirsty Williams	Democratiaid Rhyddfrydol Cymru (Cadeirydd y Pwyllgor) Welsh Liberal Democrats (Committee Chair)

Eraill yn bresennol
Others in attendance

Mark Champion	Addysg a Hyfforddiant yng Nghymru Education and Training in Wales
Rachel Cope	Cyngor Dinas Casnewydd Newport City Council
Ann Keane	Addysg a Hyfforddiant yng Nghymru Education and Training in Wales
Dr William Maxwell	Prif Arolygydd dros Addysg a Hyfforddiant yng Nghymru Chief Inspector of Education and Training in Wales
Steve Kelly	Rheolwr Arlwyo, Cyngor Dinas Casnewydd Catering Manager, Newport City Council
Professor Laurence Moore	Athrofa y Gymdeithas, Iechyd a Moeseg Caerdydd Director, Cardiff Institute of Society, Health and Ethics
Claire Norris	Cyngor Dinas Casnewydd Newport City Council

Swyddogion Gwasanaeth Seneddol y Cynulliad yn bresennol
Assembly Parliamentary Service officials in attendance

David Blair	Gwasanaeth Ymchwil yr Aelodau Members' Research Service
Ruth Hatton	Dirprwy Glerc Deputy Clerk
Joanest Jackson	Cynghorydd Cyfreithiol y Pwyllgor Legal Adviser to the Committee
Siân Wilkins	Clerc Clerk
Liz Wilkinson	Clerc Clerk

Dechreuodd y cyfarfod am 9.31 a.m.
The meeting began at 9.31 a.m.

Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau
Introduction, Apologies, Substitutions and Declarations of Interest

[1] **Kirsty Williams:** Good morning everyone and welcome to this meeting of the Proposed Healthy Eating in Schools Measure Committee. I remind everyone to turn off any mobile phones, pagers or other electronic device that they may have and of the availability of simultaneous translation facilities. There is no need for anybody to touch their microphones; they will be operated automatically when you begin to speak.

[2] We have received apologies from Irene James, but no substitute has been provided.

9.32 a.m.

Mesur Arfaethedig Bwyta'n Iach mewn Ysgolion (Cymru) 2008
Proposed Healthy Eating in Schools (Wales) Measure 2008

Cyfnod 1, Sesiwn Dystiolaeth 3
Stage 1, Evidence Session 3

[3] **Kirsty Williams:** The purpose of this meeting is to take further oral evidence in connection with the proposed healthy eating in schools Measure. The meeting will be divided into separate evidence sessions. In the first session, we will take evidence from Professor Laurence Moore, director of the Cardiff Institute of Society, Health and Ethics. He will be followed by a delegation led by Dr William Maxwell, the chief inspector for education and training and, finally, we will hear from representatives of the Newport Appetite for Life working group.

[4] It gives me great pleasure to welcome Professor Laurence Moore to the meeting. We are very grateful for your attendance and for the interest that you have shown in the Measure to date. We are glad that you have been able to come here so that we can question you directly about your thoughts on the Measure. Jeff Cuthbert will ask the first set of questions.

[5] **Jeff Cuthbert:** Thank you for the written paper. In your submission, you say,

[6] ‘existing arrangements fail to ensure that all schools accord healthy eating the priority that it deserves’.

[7] Why do you say that? Do you consider that the proposed Measure is the most effective way of remedying this?

[8] **Professor Moore:** Doing research on this topic in schools over a number of years has led to our having an anecdotal feeling for the huge variability in practice that there is across schools in Wales. More systematically—and we have not published these data yet—one of my PhD students has done a survey of schools’ policies and curriculum action on supporting healthy eating and has found variable practice across schools. So, we know that there is that huge variability and, by definition, that means that there is a lot of substandard practice and room for improvement. I have also done work on smoking policies in schools, the action that schools have taken to promote non-smoking as the norm in schools and to tackle smoking among schoolchildren and, again, we know that there is hugely variable practice there. Although policies are sometimes very strong, the enforcement of those policies and therefore the behaviour of the schoolchildren, is variable between schools. So, while I do not have any strong evidence to say that this Measure is the most effective way to ensure that healthy eating in schools is given sufficient priority, I am sure that something is needed in all schools.

[9] There are many schools that have fantastic practice, but there are also many other schools in which this is not given priority; for understandable reasons, their priority is the curriculum and achieving targets related to the educational performance of the children. Schools need to be given some encouragement to give this greater priority and also need to be given stronger support to make sure that the measures that they are introducing are those that are most effective. Having an inspection regime as a regular and very important way of making sure that headteachers and governors write down what they are doing will be an incredible facilitator of improved action in many schools.

[10] **Jeff Cuthbert:** You clearly think that it is heading in the right direction, although it may not be a perfect Measure in that sense. Some evidence that we have had from other presenters has suggested that its introduction may be a little premature and, as ‘Appetite for Life’ is out for consultation and we will have the outcomes of that consultation in due course, it has been suggested that we should wait to see the impact of that before taking matters further. Do you agree with that or do you think that the main proposals in this draft Measure are right, regardless of that?

[11] **Professor Moore:** In a sense, I would usually argue that it is wrong to take premature policy action when the evidence is not in place—as a researcher, I like to get all the evidence lined up—but, clearly, that can sometimes take too long. I guess that this might be covered in one of the later questions, but this is an example of an incredibly important area. The child obesity epidemic is coming upon us very fast and we have to respond quickly to that. The actions in ‘Appetite for Life’ are very soundly based. The problem with ‘Appetite for Life’, which we know already from my observation of what is going on and from second-hand knowledge, is that it is planned to be implemented quite patchily and variably across Wales—some LEAs are going to introduce much watered down protocols in response to ‘Appetite for Life’. I am not sure exactly what evidence the ‘Appetite for Life’ work and the action research based around it will produce that will preclude the importance of taking this legislative action. I think that lots of useful things will come from ‘Appetite for Life’ that can inform the guidance that is implemented as a part of this legislation, but I do not really hold out any sort of strong hope that ‘Appetite for Life’ is going to tackle this kind of patchiness and unevenness or the fact that a lot of the actions that the schools will take will not be the most effective that they could take.

[12] **Jeff Cuthbert:** Thank you for that; that was very clear. Other evidence that we have had suggests that some of the key factors in terms of pupils eating healthily are things like the dining room environment, the length of lunch times and queuing and so on—all of which are within the current authority of headteachers. Those things have a significant impact. Do you agree with that statement and do you think that the proposed Measure should include those issues?

[13] **Professor Moore:** I absolutely agree with that statement; I think that it is very important. It is all very well having the right policies and documents in place, but the critical thing, at the point of sale or delivery of the food, is how we get that to be acceptable and popular with the children so that they eat it. We know from some of our research, but also from other published research, that it is about things like the time available and the length of queues. Another of our PhD students has done some work, which is informing ‘Appetite for Life’, about the importance of lunch-time assistants in that they can play a potentially massively important role in encouraging the children to try different foods. Very little has been done to encourage them to take on that role and many of them do not see that as being their role at the moment. I think that some actions are being taken to address that already. It is absolutely the case that it is really about understanding what goes on in the dining halls. Trying to reinforce the acceptability of the foods and to maximise uptake among the children is crucial. Also, it is not something that is going to happen over night; it is for the long term. Behaviour change is very complex and particularly in situations where social effects and peer modelling effects are so strong, which we know to be the case among schoolchildren. It is quite an oil tanker to turn around and just changing the food overnight does not mean that you will change their preferences.

9.40 a.m.

[14] What goes on at that point is crucial. The Measure needs to address that. My feeling is that what is set up needs to address that in a fairly flexible way. Later questions will address the importance of having strong guidance, and I have commented on the variable practices of

schools, and I fully understand why that is the case. Schools have other pressing priorities, and they do not have training and expertise in this area, and that is why, to date, more should have been done to support schools. That is where 'Appetite for Life' is coming from: it is trying to support schools a little more by indicating to them what they should be doing. Having an inspection regime and annually updated guidance from the Assembly on what schools should be doing will mean that they are given support and guidance on the most effective action that they can take in the dining hall situation to maximise the uptake of school meals.

[15] **Jeff Cuthbert:** That is very good. One of the mini debates that we have had is between those who say, justifiably, to a degree, that bringing in new procedures like this will place an extra bureaucratic burden on school management, headteachers and the relevant authorities, such as local educational authorities, which is likely to be the case, and those who say that the potential benefits in terms of general wellbeing, attention to learning and those type of issues, will more than outweigh any bureaucratic burden. What is your view on that?

[16] **Professor Moore:** That is absolutely right. Through our work, I am aware of the hugely important role that schools can potentially play in a number of areas of the health agenda, but I recognise that saying, 'Schools should do this, and schools should do that', and expecting them to take more action, is not fair. That places an extra burden on them, and if they are not given the resources and support to do it, it is a major burden.

[17] Equally, some of the benefits may be felt in the school, such as differences in behaviour; in this instance, it is dietary behaviour. There can be significant effects on the behaviour of children and their attention to schoolwork, particularly in the afternoon. In all of our work, we always go to schools in the morning, because we know that the data that we collect in the afternoon are not worth having. In one of our major projects, where we give children lots of training about being smoke-free, we give them toast, because they are either hungry or full of the wrong sugars and E numbers and so on. That is incredibly important. Our evaluation of the free school breakfast initiative has attempted to capture the improvement in school performance and concentration that can be brought about by improved nutrition.

[18] We need to be aware of the burden that this potentially places on schools, so we need strong guidance. However, as I said, that is the carrot, and the stick of an inspection regime is also important. Schools need to be encouraged to recognise the potential benefits of children having a good diet, such as improved engagement with schoolwork, particularly in the afternoons. We also need to recognise that many of these health benefits will be major, but they will not be of direct benefit to the school; rather, they will be of benefit to the nation and to the NHS in the long term. That probably needs to be recognised by some transfer of resources from health-type budgets to education-type budgets if schools are being asked to take on these big burdens.

[19] **Jeff Cuthbert:** That is a fair point. My final question, at least, at this stage, relates to the fact that the Measure, as proposed, does not cover pupils bringing in their own food and drink from home. Do you think that that could seriously undermine the overall effectiveness or the intention of this Measure?

[20] **Professor Moore:** That is potentially a big weakness. My reading of the Measure may not be exactly right, but if it prevents authorities from imposing restrictions, that is really bad. If the Measure does not include that as a requirement of schools and local authorities, that is open to debate. What we know from our work—and common sense suggests this, too—can be seen in a particular project of ours on fruit tuck shops, which we trialled for a month, in which 20 primary schools did not set up a fruit tuck shop and 23 did. In those schools that had a tuck shop that sold only fruit and not sweets, crisps or anything else, there

were small but not significant increases in children's fruit consumption; however, in those schools that also had a policy about what foods children could bring to school, the shops had a big effect, and I know that from the school that my children attend. The fruit tuck shop was not that popular because, if all your friends are bringing in crisps and sweets, you do not want to spend your money on an apple or some grapes. When you have the choice of nothing or fruit, however, that brings about an immediate change in the social norms, and we found big changes in that study. The children reported that they were struck when they saw their friends eating fruit, because they normally saw them eating only crisps and sweets all day.

[21] That policy was hugely important in supporting the intervention. I know that it is much more complex in secondary schools, and this can appear to be a big nanny-state issue of interfering too much in children's and parents' freedom of choice in bringing different kinds of snacks and foods to school in lunchboxes, but this is a very important issue. Children are not given a choice about whether they go to English or maths lessons so the argument could be made—although it is an ethical and political argument—that schools' duty of care for the children while they are in school extends to what children eat, given the potential risks to their health and their engagement with school if they eat the wrong things, and that that means restricting parents' and pupils' freedom of choice about the food that they bring to school. Schools should certainly be given the freedom to impose policies, should they wish to, and advice on how that can be done most effectively.

[22] **Kirsty Williams:** Thank you, Professor Moore. We turn now to questions on section 1 of the proposed Measure on the duties to promote healthy eating. Dai Lloyd will kick off.

[23] **David Lloyd:** Mae llawer o sôn am awdurdodau perthnasol yn y Mesur arfaethedig a hefyd am y gofyniad i hyrwyddo bwyta'n iach, ond nid oes llawer o fanylion am sut y dylid gwneud hynny. Y cwestiwn sy'n deillio o hynny yw beth yw'r lleiaf posibl y dylai awdurdodau perthnasol ei wneud i gyflawni eu gofyniad i hyrwyddo bwyta'n iach fel y'i disgrifir yn adran 1?

David Lloyd: Much mention is made in the proposed Measure of relevant authorities and of the requirement to promote healthy eating, but there is not much mention of how that should be done. The question that arises from that is what is the minimum that the relevant authorities should do to meet the requirement to promote healthy eating as described in section 1?

[24] **Professor Moore:** My answer depends quite a bit on what form the guidance will take. My preference is for guidance to be updated annually and informed by the best evidence, so that it is flexible. Putting minimum requirements in the legislation might be dangerous, because the best evidence for any minimum requirements will change. The processes and systems set up to support the legislation and to make sure that it is implemented correctly in schools is the most critical component of this proposal, with the inspection regime to ensure that it is happening.

[25] **David Lloyd:** Diolch am hynny, gan ei fod yn dod â ni at y cwestiwn nesaf. Yn eich papur, yr ydych yn pwysleisio, fel yr ydych yn awr, pwysigrwydd canllawiau o dan adran 1(3). Yn wir, dywedwch fod llwyddiant y Mesur hwn yn dibynnu ar ganllawiau o'r safon orau posibl. Mae adran 1(3) yn caniatáu i Weinidogion Cymru gyflwyno canllawiau, ond yn nid yw'n eu gorfodi i wneud hynny. A ddylai'r agwedd hon gael ei chryfhau?

David Lloyd: Thank you for that, as it leads us on to the next question. In your paper, you emphasise, as you do now, the importance of guidelines under section 1(3). Indeed, you say that this Measure's success depends on guidelines of the highest possible standard. Section 1(3) allows Welsh Ministers to introduce guidelines, but it does not compel them to do so. Should that aspect be strengthened?

[26] **Professor Moore:** Yes. [*Laughter.*] That is the short answer.

[27] **David Lloyd:** Mae adran 1(3) hefyd yn dweud y dylai'r awdurdodau perthnasol ystyried unrhyw 'gyngor gwyddonol cyfrifol sy'n berthnasol'. A ddylai'r gofyniad hwn i ystyried cyngor fod yn gyfrifoldeb ar yr awdurdodau perthnasol neu'r Gweinidogion sy'n llunio'r canllawiau?

David Lloyd: Section 1(3) also says that the relevant authorities should consider 'relevant reputable scientific advice'. Should that requirement to consider advice lie with the relevant authorities or the Ministers who draw up the guidelines?

9.50 a.m.

[28] **Professor Moore:** Another short answer would be 'yes' to both. To expand a little on those two answers, we really cannot expect the schools to have the expertise, time or resources to search the literature to get the scientific advice themselves. We need to have strong guidance that gives schools the choice of which things to take up, as that is what they report to the inspectors. It is critical to have that.

[29] **David Lloyd:** Yn dilyn hynny, a ddylid ddiffinio'r cyngor hwnnw'n fwy clir i osgoi unrhyw ddrysych?

David Lloyd: Following on from that, should that advice be more clearly defined to avoid any confusion?

[30] **Professor Moore:** I think that it could usefully be improved. I am not very happy with the term 'reputable', because that requires a very subjective judgment, and there are more objective ways of identifying scientific rigour. I do not know whether it needs to be in the legislation or whether we can trust the Ministers to use the best evidence in formulating the guidance. There is a tradition of doing that and so I would trust them to do that.

[31] **Kirsty Williams:** We have questions on section 2 now, which involves a further duty on Welsh Ministers.

[32] **David Lloyd:** Fel y mae'r Cadeirydd wedi ei grybwyll eisoes, mae adran 2 yn rhoi dyletswydd bellach i Weinidogion i hyrwyddo bwyta'n iach ynghylch materion sy'n ymwneud â'r cwricwlwm. Beth yw eich barn am hyn, ac a ddylai'r gofyniad o dan adran 2 fod yn fwy cadarn a chryf?

David Lloyd: As the Chair has already mentioned, section 2 places a further duty on Welsh Ministers to promote healthy eating regarding issues involving the curriculum. What is your opinion of that, and should the requirement under section 2 be firmer and more robust?

[33] **Professor Moore:** It is important that there is good coverage in the curriculum of nutrition-related issues, both for the immediate impact that that might have on the dietary behaviour of children, in trying to change children's attitudes and understanding of the importance of a good diet, but also to gear them up in schools so that they have cooking skills and such like as adults. So, the curriculum is very important. This is less my area of expertise. My answer at the moment would be to say that there needs to be flexible guidance. These things will change all the time, and, because this is such an important issue, there is a lot more research being done on what schools can be doing, in the school setting and elsewhere, to find the best way of educating children about their dietary behaviour as well as gearing up for cooking skills and other life skills. Therefore, although I am less well informed about the current content of the curriculum, my preference at the moment is for that to be covered by guidance that is annually updated, so that 'best practice' does not just mean the best practice at the time the legislation is made, but for it to be updated as we go along.

[34] **David Lloyd:** Gan symud ymlaen at adran 3, sef ystyr 'bwyta'n iach', beth yw eich barn am y diffiniad o fwyta'n iach a geir

David Lloyd: Moving on to section 3, the meaning of 'healthy eating', what is your opinion of the definition of healthy eating in

yn adran 3? A ydych yn hapus gyda'r section 3? Are you happy with the definition, diffiniad, neu a oes gwendidau ynddo? or does it have deficiencies?

[35] **Professor Moore:** It is very difficult to come up with definitions like this. I am involved in the food and fitness task group, and we have struggled to come up with definitions for 'healthy eating', 'physical activity' and so on. I am reasonably happy with that definition, and section 3(c) is not directly related to healthy eating; it is more related to sustainable food production and the quality of food production, which is an important dimension that is good to have reflected in the Measure.

[36] **Kirsty Williams:** Thank you very much for that. We will now turn to questions with regards to sections 4, 5 and 6 on inspection and reporting, which you have said in your evidence so far is very important. Angela will pursue some of those issues.

[37] **Angela Burns:** Good morning, Professor. You have touched on this issue in your reply to Jeff Cuthbert. In fact, you were fairly strong on it, so I would like to hear a little more about your views that healthy eating should be part of the inspection regime, and your concerns as to what will happen if it is not.

[38] **Professor Moore:** It is not really fair to expect schools to take all of this action to promote health—and, in this case, healthy eating—when the benefits that they will accrue are fairly limited, although there can be important benefits by way of the increased engagement and improved concentration of children. We must recognise that, for schools to make the best of their potential to impact on the dietary behaviour of children, they need to be given strong support. That belief is not particularly evidence-based; it comes from my knowledge of the hugely variable practice among schools, and the fact that it is down to the commitment of individual headteachers, senior management teams or governors. Some schools are doing fantastic work while others are not, so there needs to be a carrot-and-stick approach. The inspection regime is the stick, making sure that all this is audited and is on the governors' agenda. Schools have to take it seriously, because it is in the inspection report.

[39] However, it will be a big burden if we do not help the schools. This guidance is therefore critical, and must show schools that there are a set of policies that are evidence-based and supported by the Assembly Government, whether because of evidence or policy considerations. Those are the things that the schools should consider implementing, and implementing seriously. The proposed Measure is a way to bring about that change. If we continue to rely on the goodwill of headteachers and governors to recognise the importance of this measure, it will work well in some schools, and not in others. There is some anecdotal evidence, from the data that my PhD students collected, of local education authorities that have taken action. One LEA, for example, changed food provision so that chips were not part of school lunches very often—although they still featured once a week. However, the headteacher of one school was concerned about that so he set up a chip shop on the school site. There were some good reasons for doing that, because he was concerned that children were leaving school premises at lunchtime, and so, to tackle that and to bring revenue into the school, he set up a chip shop.

[40] It is important to get everyone on board, particularly in deprived communities and in schools that have a whole set of other pressing priorities. This proposed Measure would ensure that healthy eating is on the governors' agenda, and, if they are not taking action, they would have to report that and give reasons why other things are taking greater priority.

[41] **Angela Burns:** I think that your point as an aside on peer pressure is cogent, and it is among the points that Estyn has made in its submission to us, which we will be discussing later.

[42] Going back to inspection and reporting, and how great a part this could play in it, the proposed Measure suggests that inspections will be a means of monitoring the progress of healthy eating in schools, given that that is not so stringent in 'Appetite for Life'. One of the big debates is whether we stick with 'Appetite for Life' or look to take this proposed Measure forward. I just want to clarify, for the purposes of evidence, whether you believe that the Measure is sufficient and is rigorous, or whether it should be more rigorous.

[43] **Professor Moore:** The data collected will be very useful, and the inspections are important as a stick for the schools, because they know that they have to report on what they are doing, and therefore they will ensure that they do something. It will also be a useful way of collecting data on the action that schools are taking. Ideally, if schools have good, clear guidance telling them what to do, you could then compare what schools are being advised to do with what they are actually doing. At that level, it is critical to get the schools to give this the priority it deserves and ensure that action is taken.

[44] One thing that I was not sure about was the requirement for schools and inspectors to report on the impact that the Measure was having on children's behaviour. That is quite difficult to measure. Schools will have anecdotal evidence to report, but, as a researcher, I would say that there is a wonderful opportunity to monitor this in a slightly different way, by combining it with evaluating the policy. We are asking whether this step is necessary over and above 'Appetite for Life'. It is innovative, and it is a step that has not been taken in England to date, so it would be good to do it in Wales to push the agenda forward. However, it is important to evaluate that.

10.00 a.m.

[45] So, with both those considerations in mind—and obviously, I have some bias—it would be good to think about using some kind of sample survey of schools that is conducted fairly rigorously to try to capture the impact of this legislation on the dietary behaviour of schoolchildren. To some extent, that could be done, because there is already the Welsh youth health survey, carried out every two years, which is part of the health behaviours in school-age children international survey. That has been conducted since 1986 in Wales. There has been long-term monitoring of the dietary behaviour of schoolchildren in Wales. Each survey involves around 60 schools, so continuing that and using it as a monitoring tool, with some additional questions specific to the Measure, could be a more effective way of producing good evidence on the impact that it would have, if passed, on the dietary behaviour of schoolchildren than giving schools a big burden of trying to collect data that, again, will not be particularly in-depth or usable in any way. So, it is crucial to audit what the schools are doing, to compare that with the guidance, but I do not think that it is appropriate for a school to be asked to try to measure the dietary behaviour of schoolchildren.

[46] **Angela Burns:** On the dietary behaviour of schoolchildren—and as all of us with schoolchildren know, it is always quite a tricky subject—when the UK Government introduced a series of measures on what should be included in school food, one of the things that happened in England was a decrease in the uptake of school meals. We are also looking at this area because it concerns us. The proposed Measure asks for Welsh Ministers to specify the maximum levels of fat, salt, sugar and artificial additives, so we would like to hear your views on what impact you think that that may have on the uptake of school meals because we would not like to see a drop-off as they had in England.

[47] **Professor Moore:** The problem in England was that it was all done very quickly. Again, so much of this depends on how you implement it in the dining hall and how you support it. So, we need to gear up the lunchtime supervisors. We are doing some work funded by the Department of Health in conjunction with colleagues from Bristol on using informal social networks to promote healthy dietary behaviour. You could imagine that supporting

these changes with such interventions would help. So, there needs to be careful consideration of how rapidly changes are brought about in the food provided in school lunches and you need to support that and encourage children, and you need to do so carefully.

[48] **Angela Burns:** Jenny Randerson's proposed Measure suggests an incremental increase, so you are basically saying that that is the way to go.

[49] **Professor Moore:** I think so. Behavioural change is complex and difficult. If you believe that just by changing overnight what meals you provide, everyone will be happy with that and that it will bring about these changes, that is very naive. So, that change needs to be supported in many ways and an incremental approach is very wise. You are trying to turn around an oil tanker here and you need to act on multiple levels. For example, you need to think about what you are doing about food that is being brought into schools by children and how you are using the curriculum and other informal perhaps peer-led education, to support the potential acceptability of these changes to children.

[50] **Angela Burns:** Your point moves us neatly on to my final question on drinking water. Again, in your submission you state clearly that you support the notion that local authorities must provide good quality drinking water, but that you would like to see that go further with schools restricting the ability for schoolchildren to get hold of fizzy drinks. Could you give me your view on that and on what impact you think that might have? Would it be forcing children out of the school gates during breaks in order to grab that essential can of coke?

[51] **Professor Moore:** That is always the problem, but that is not a reason to continue providing cans of coke in schools. That should not continue. I do know whether it needs to be outlined specifically in legislation or whether it can be a part of the guidance, but it should be stated clearly that it is an action that a school should take and that, when the school reports back, it should say either that it is doing that or why it is not doing so. Clearly, there is a risk that, if you are not providing chips or coke and so on, some children will want to go down the road and source those from a local shop. Many schools are already in that situation.

[52] **Angela Burns:** In rural communities, you might have to go a very long way to find a shop that will sell those things.

[53] **Professor Moore:** At many schools, vans will turn up to sell all sorts of rubbish, including cigarettes and all sorts of things to schoolchildren. So, schools need to do more about policing that kind of activity, if they have the powers to do so.

[54] **Angela Burns:** That is a very good point; we had not thought about that one.

[55] **Kirsty Williams:** Professor Moore, I thank you most sincerely for the interest that you have shown in this proposed Measure. Your evidence has been clear and very helpful to us as a committee. I wish you well in your ongoing work at the institute. I know that you are involved in many aspects of helping to collect evidence and deliver policy. I thank you, and your colleagues, for your work at the institute. We are very grateful that you took the time to come here this morning.

[56] **Professor Moore:** Thank you for the opportunity and good luck in your deliberations.

[57] **Kirsty Williams:** Thank you. As Professor Moore leaves the table, we invite Estyn to join us for the second session this morning. I am very pleased to welcome Dr William Maxwell, the chief inspector, and his colleagues, Mark Champion and Ann Keane. We are very grateful for your time this morning and for your submission to the committee. We are going

to run through a whole series of questions with regard to different sections of the proposed Measure, but we will start off with some general principle questions from Angela Burns.

[58] **Angela Burns:** Good morning and thank you very much for your submission, which we have all read with great interest. I just wish to set the scene, if I may. In your submission, you say that the findings of your food and fitness report suggest that more needs to be done to improve healthy eating in schools. Do you think that this could be done via the existing legislation and programmes such as 'Appetite for Life', or do you believe that there is a need for this Measure?

[59] **Dr Maxwell:** I should perhaps begin by introducing my colleagues; Mark Champion led our food and fitness remit report, and his expertise is strong on the detail of that report, and Ann Keane, whom many of you may know, heads up our education providers directorate, which manages school inspections in the system.

[60] You asked about the need for the legislation. From my point of view, the jury is still out on whether it is necessary to legislate at this stage, but what we are seeing is a developing situation in which definite progress is being made across Wales, but from a very uneven base. Whether this legislation is strictly necessary in order to drive further progress is an open question from our point of view. It may well be that producing stronger guidance, and giving that the sufficient backing and resource required, would also be sufficient.

[61] **Angela Burns:** Following on from that, we have received evidence from headteachers that indicates that many of the schools are already involved in their own versions of healthy eating programmes. For example, in my constituency, we have the Lenny the Leak initiative, which has worked very successfully. Based on your experience, is it possible to give an indication of the number of schools involved in healthy eating programmes and the extent to which these programmes have had a positive effect? What we are keen to do is to bring up those that perhaps are not quite there yet and we are wondering what that number is.

[62] **Dr Maxwell:** Relatively speaking, looking across our inspection evidence, we are seeing very few schools that are not doing something in this area. So, we are more or less saying that all schools are paying some attention to this agenda. We touch on this agenda in the inspection regime already by looking broadly at healthy living, within which healthy eating is clearly a factor. We had a more detailed look at the actual impact, and the extent to which that is well developed varies quite considerably between schools. I will perhaps ask Mark to come in, as he has studied the sample of schools that we looked at through the food and fitness regime. Do you want to comment further on how many schools are taking this forward very well?

[63] **Mr Champion:** The food and fitness report we published this year was based on two years' worth of inspections of primary and secondary schools. That is a third of all schools in Wales. We then made supplementary visits specifically to look at this issue in detail in 20 further schools. As William said, all the schools had moved on from where they were a few years ago. They were starting from different bases, but what we found was that every school was working on this. All school councils that we visited are talking about food in their schools; it is on the agenda for every school that we went to. How they are tackling it varies from one school to another, and the question is: what is it that would help schools to reach the level that we wish every school to reach?

10.10 a.m.

[64] **Angela Burns:** You paint quite a rosy picture. In your analysis, you did not find anyone who was turning their back on it and letting the kids fill themselves with pop and

chips.

[65] **Mr Campion:** What we found was that every school was working on this and that it was on the agenda at every school. They are talking about it, but they are working at different levels, and the level that they were starting from varied, so when I say that they have moved on over the past three or four years it should be understood in that context. So, some schools, as our report noted, still sell fizzy drinks and chocolate bars and you can still buy chips there every day and so on. So they may have made some tweaks along the way and moved on from where they were, but they are in a different place from the school down the road that has reduced chips to one day a week and taken chocolate bars out of the vending machines and so on.

[66] **Kirsty Williams:** Do you think that those differences are acceptable? It would be hard for a school not to have moved on in the past five years, given the climate and the increased attention in all areas to this particular subject. Do you think that it is acceptable that schools that are literally down the road from one another have such varying policies? Is that acceptable?

[67] **Dr Maxwell:** We need to develop a much stronger view of what best practice is and insist that everyone comes up to that best practice.

[68] **Kirsty Williams:** How do we insist on that?

[69] **Dr Maxwell:** We are keen that the standards in ‘Appetite for Life’ are pushed as the minimum standards and set out more broadly in guidance and that it should be expected that local authorities implement them. We must also recognise that the environment in which schools operate affects what they will be able to provide, down to their physical facilities and so on. So, there are other reasons why some are further advanced than others at this stage—

[70] **Kirsty Williams:** However, do you accept the principle that there should be a minimum that applies to all school settings?

[71] **Dr Maxwell:** Yes.

[72] **Kirsty Williams:** I am sorry, Angela, I am butting in.

[73] **Angela Burns:** You talked about ‘Appetite for Life’; do you think that the proposed Measure would conflict with ‘Appetite for Life’ or do you think that it would make statutory parts of ‘Appetite for Life’? When it comes to dining rooms, queues, and whether food is served cold and so on, the proposed Measure would put an onus on LEAs to ensure that a school has adequate facilities, whereas schools can currently say, ‘We are trying, but we haven’t got the facilities, so we can’t do anything.’, or do you think that ‘Appetite for Life’ would solve such problems by itself? Do we need legislation?

[74] **Dr Maxwell:** It is hard to say that it conflicts directly with ‘Appetite for Life’. There is a sense, however, in which it focuses on one aspect of ‘Appetite for Life’, and there is a risk that that distorts the focus on local authorities too much on that specific aspect. Having said that, we are keen to see the nutritional standards in ‘Appetite for Life’ applied across the board, and we look to the Welsh Assembly Government to make much stronger guidance and to pursue that with them, perhaps setting target dates for the implementation of those standards as part of a national policy agenda. Whether legislation is needed for that is a question for you.

[75] **Angela Burns:** May I push you on that? Guidance and aiming for a standard are all well and good, but, given the pressures on schools to provide many things to many pupils—

[76] **Kirsty Williams:** They have to—[*Inaudible.*].

[77] **Angela Burns:** They do. If it is only guidance, there is an opportunity for a cop-out, is there not? Or is that not the case?

[78] **Dr Maxwell:** The regimes looking at local authority performance can take account of applying sufficient pressure for compliance with such guidance. A statutory imposition per se will not necessarily produce a great surge in take-up among children. For example, we know that many kids to whom free school meals are available do not take them up. In the broad sense, although it is good to get guidance put in place in a clear way, making it statutory will not necessarily produce a big increase in children's actual consumption of healthy foods.

[79] **Angela Burns:** I agree, and you would not want a school meal, even if it is free, if it is cold, you have 20 or 30 minutes to eat, and you are being jostled around while you are trying to eat it. We treat our children like cattle sometimes. It is to do with all the other things wrapped around it, and perhaps the Measure is trying to raise some of those matters so that 'Appetite for Life' and other programmes might work well. So, do you think that this Measure is premature? You started off by saying that the jury is still out. Would you prefer to see the Measure wait so that 'Appetite for Life' can kick in for a while?

[80] **Dr Maxwell:** Generally, I would agree with that, for several reasons. First, it is not yet clear enough how we can measure healthy eating precisely, and that would be an issue for us in inspection. There is still development work to be done on that. I mentioned whether making it statutory per se will necessarily create a big increase in the take-up of healthy meals by kids, because that may not be the best way of achieving that. The issue of the environmental factors is also important. If the Measure did not take sufficient account of pursuing and encouraging development around the broader environmental factors that affect healthy eating, it could distort the agenda too much, and so we would want the broad view that is reflected in 'Appetite for Life' pursued on a broad front. What we do not want is to focus too much simply on the nutritional standards.

[81] **Jeff Cuthbert:** I have a brief, specific question for Mark. You mentioned vending machines in your statement. Is there any evidence to suggest that the balance of the types of drinks—or products generally, but drinks in particular—in vending machines is shifting away from sugary ones towards healthier ones, with or without the agreement of the suppliers?

[82] **Mr Campion:** Some schools have moved in that direction. Pembrokeshire had an extensive pilot scheme on healthy vending, and found that it could be profitable, which was some people's concern about healthy vending. It is not always popular with pupils, and so you can be in conflict with school councils. If you ask pupils what they would like to see in vending machines, their response will probably conflict with the standards in 'Appetite for Life'. So, you will have that conflict and that is where you have the issues of taking people with you on these things. However, some schools will have taken out the sugared and caffeinated soft drinks but will still sell sugared squash-based drinks, for example, thinking that they are healthier than the carbonated sugared soft drinks—you know the brands that I am referring to. They are making changes, but it is probably the fear of the pupils' reaction and of the loss of money from the vending machines that drives that—or does not drive it.

[83] **Kirsty Williams:** As you know, the Measure has duties to promote healthy eating across a wide agenda, not just in the content of school meals. Dai has some questions on section 1.

[84] **David Lloyd:** Yn eich adroddiad—a **David Lloyd:** In your report—and thank you diolch i chi amdano—yr ydych yn gefnogol for that—you are supportive of the

o'r gofyniad o dan adran 1 i awdurdodau perthnasol hyrwyddo bwyta'n iach. O ganlyniad i hynny, beth yw'r gofyniad lleiaf y dylai'r awdurdodau perthnasol ei gyfarfod er mwyn cyflawni'r gofyniad a geir yn adran 1 i hyrwyddo bwyta'n iach?

requirement in section 1 for the relevant authorities to promote healthy eating. As a result, what should be the minimum requirement that the relevant authorities should fulfil to meet the requirement to promote healthy eating described in section 1?

[85] **Dr Maxwell:** A key thing would be to meet the nutrient food and drink standards in 'Appetite for Life'. That would be a key aspect of minimum standards. We would also introduce here what has been a favourite Estyn topic in the past, namely hygiene standards for toilets in schools. That is a key issue, which should be a minimum standard if we are pursuing this line. That has a cross-over with drinking water, because, on some occasions, we find drinking water located in toilets, in quite an undesirable way.

[86] **David Lloyd:** Yn dilyn hynny, a gredwch y dylai'r Mesur Arfaethedig Bwyta'n Iach mewn Ysgolion (Cymru) 2008 fod yn gryfach ac yn fwy cadarn yn y math o bethau yr ydych newydd sôn amdanynt?

David Lloyd: Following that, do you believe that the Proposed Healthy Eating in Schools (Wales) Measure 2008 should be stronger and more robust on the kinds of issues that you have just mentioned?

10.20 a.m.

[87] **Dr Maxwell:** On the issues that we have just mentioned, I think that they are covered reasonably well.

[88] **Ms Keane:** O edrych ar hyn o safbwynt Estyn ac o safbwynt arolygu, yr ydym yn gweld problemau ynghylch diffiniadau'r termau. Er enghraifft, beth a olygir gan 'gyngor gwyddonol cyfrifol' neu safonau bwyta'n iach? Mae angen mwy o waith i egluro'r ffactorau yn yr amgylchedd sy'n effeithio ar sut mae plant yn bwyta a beth y maent yn dewis ei fwyta. Yr ydym yn dweud bod y sefyllfa'n gymhleth ond mae angen mwy o sylw arni. Mae angen trafodaeth am y ffactorau hyn i weld y darlun yn eglur cyn penderfynu ar y ffordd orau ymlaen.

Ms Keane: Looking at it from Estyn's point of view and from an inspection point of view, we see problems with the definition of the terms. For example, what is meant by 'reputable scientific advice' or healthy eating standards? More work is needed to explain the environmental factors that affect how children eat and what they choose to eat. We are all saying that it is a complicated situation but it requires more attention. There needs to be a discussion on these factors so that the picture can be seen clearly before we decide on the best way forward.

[89] **David Lloyd:** Yn rhyfedd iawn, o ystyried yr ateb hwnnw, yr ydych wedi rhagweld nifer o'r cwestiynau yr oeddwn am eu codi gyda chi yn y munudau nesaf. Fodd bynnag, byddaf yn canolbwyntio ar un ohonynt. Yr ydym wedi clywed am ffactorau amgylcheddol megis y trefniadau o ran amser bwyta, a'r holl brofiad o fwyta cinio yn yr ysgol a sut y gall hynny fod yn her yn aml, fel yr ydym wedi ei glywed o atebion cwestiynau Angela. A oes angen darpariaeth benodol i fynd i'r afael â'r ffactorau amgylcheddol hynny yn y Mesur hwn?

David Lloyd: Strangely, in light of that response, you have anticipated a number of the questions that I was going to raise with you in the next few minutes. However, I will concentrate on one of them. We have heard about environmental factors affecting meal-time arrangements and about the whole experience of eating lunch at school, which can often be a challenge, as we have heard from the responses to Angela's questions. Do you think that there should be specific provision in this Measure to deal with those environmental factors?

[90] **Ms Keane:** Mae angen cyfarwyddyd clir ar ysgolion am yr hyn sy'n ddisgwyliedig ohonynt ac am y ffordd orau ymlaen. Mae Mark wedi disgrifio rhai sefyllfaoedd a pheth o'r pwysau sydd ar ysgolion mewn sefyllfaoedd gwahanol. Mae hefyd wedi cyfeirio at y ffaith bod ysgolion i gyd mewn sefyllfaoedd gwahanol o ran y lle y maent yn cychwyn ohono. Er enghraifft, mae rhai ysgolion nad ydynt yn gallu cael mynediad at brydau ffres. Mae prydau parod yn dod i mewn gan nad oes cyfarpar cegin a choginio digonol i greu prydau da ar gyfer y plant. Hefyd, mae bwyd wedi dod i mewn i'r cwricwlwm technoleg ac nid oes cyfarpar digonol ar gyfer hynny. Felly, mae angen edrych ar y darlun yn gyflawn. Efallai bod y Mesur yn weddol gyfyng a chul am rai pethau, a bod angen gwneud mwy o waith palu cyn penderfynu'n derfynol am rai agweddau ar y Mesur. Fodd bynnag, ar yr un pryd, mae angen safonau statudol digonol ar gyfer bwyd a diodydd mewn ysgolion.

Ms Keane: Schools need clear direction on what is expected of them and on the best way forward. Mark has described some situations and some of the pressures placed on schools in different situations. He has also referred to the fact that schools are all in different situations as regards their starting points. For example, some schools cannot get access to fresh meals. Ready meals are delivered to them, as they do not have adequate kitchen and cooking equipment to create good meals for the children. In addition, food has come into the technology curriculum and they do not have sufficient equipment for that. Therefore, the picture needs to be considered as a whole. Perhaps the Measure looks at some things in quite a restricted and narrow way, and that more investigation is needed before a final decision is made about some aspects of the Measure. However, at the same time, there is a need for sufficient statutory standards for foods and drinks in schools.

[91] **Kirsty Williams:** I will just come in here, if I may. You say that the Measure looks at things in a narrow way, but other evidence suggests otherwise, so could you just explain why you would say that?

[92] **Ms Keane:** Er enghraifft, mae'r Mesur yn gofyn i ni arolygu ac i benaethiaid ysgol osod safonau. Rhaid byddai gosod safonau clir a manwl, a byddai rhai ysgolion yn dueddol o fynd ar ôl y safonau manwl hynny yn hytrach nag edrych ar y darlun cyflawn. Yr wyf yn ystyried y peth o safbwynt Estyn. Nid wyf yn dweud nad yw'r Mesur yn ein galluogi i edrych ar draws, ond mae posibilrwydd, o osod pethau sy'n fesuradwy mewn ffordd gul, y byddai ysgolion yn colli golwg ar y darlun cyflawn.

Ms Keane: For example, the Measure asks us to inspect and asks headteachers to set the standards. Clear and detailed standards would be required, and some schools have a tendency to go after those detailed standards instead of looking at the picture as a whole. I am considering it from Estyn's point of view. I am not saying that the Measure does not allow us to have that read across, but that there is a possibility, by narrowly outlining the things that are measurable, that schools might lose sight of the big picture.

[93] **Kirsty Williams:** Sorry, I am being particularly stupid, but could you give me an example of a narrow thing that a school would be responsible for reporting to you that would make it ignore everything else in the Measure? I read it as giving a general duty to promote healthy food.

[94] **Mr Campion:** It is very hard to legislate for some of the particularly important factors that determine what pupils eat and whether they choose to eat what the school is offering. In our report, we have picked up on issues around the dining experience in schools, which include whether the hall is warm and clean, whether there are china plates or those plastic all-in-one trays; and whether the tables that the children sit at are long tables with all-in-one-chairs. You cannot legislate for the dining experience in schools or for some of the issues regarding off-site policies and so on. So, the Measure will not be able to get at those things. That would require strong guidance and support through local authorities, the healthy

school scheme and other such measures.

[95] Where I think the Measure will be helpful is on the nutritional standards, so that you can legislate for the minimum standard of the food that will be offered in a school. However, you cannot really legislate for some of the other issues around what children are eating, why they are eating it, and when they are eating it. We need to be careful about what we say this Measure will introduce and, from our point of view, we need to consider what we will be able to measure, how it will be inspected, and whether Estyn is even the best body to inspect it if the Measure is purely about nutritional standards.

[96] **Dr Maxwell:** Another point about the wider context is that this is still very much evolving territory and we are still learning about the key factors of what really influences pupils' ultimate health through healthy eating. Therefore, we are still in evolving territory. Even if we were minded to set out very detailed legislation covering all those things, what we should focus on in those areas would be unclear. So, in that context, I would rather see inspection taking quite a developmental role in the near future, so that we could sample the best practice out there, put that together with research perhaps, and learn from that how we could strengthen the guidance. I expect that the guidance in this area will evolve quite significantly in coming years. It is not likely to be clearly set out in a way that can last for many years to come.

[97] **Kirsty Williams:** Our previous witness talked about the Measure being an important bedrock on which the Government would produce detailed guidance that would need to be reviewed annually to take account of changes in practice and thinking at that particular time. Would you agree with that assessment?

[98] **Dr Maxwell:** We would certainly see the nutritional standards as being an important bedrock, and we are all in favour of those being clearly applied across the board.

[99] **Ms Keane:** The incremental change is an issue for us as inspectors because we want to inspect based on established criteria so that we can judge progress from year to year. If there were incremental change and changes in standards, that would offer some challenge to our methodology. A school that did well on one set of standards one year, and got a good outcome and judgment, might not do as well against the standards the next year. So, although the principle of incremental change is a good one, there are issues for us, as inspectors, and we would find it challenging if our success criteria were shifting from year to year.

[100] **Kirsty Williams:** I take your point. I understand that. Sorry, Dai. I will stop interrupting.

[101] **David Lloyd:** Mae popeth yn iawn, Gadeirydd. Symudaf ymlaen at yr hyn yr ydych wedi ei ddweud eisoes am y canllawiau. Yn eich cyflwyniad ysgrifenedig, yr ydych yn pwysleisio—fel y mae eraill wedi ei wneud—pwysigrwydd y canllawiau o dan adran 1(3) ac yr ydych wedi dweud y bore yma bod llwyddiant y Mesur yn dibynnu ar ganllawiau o safon uchel iawn. Mae adran 1(3) yn caniatáu i Weinidogion gyflwyno canllawiau heb eu gorfodi i wneud hynny. A ddylid cryfhau'r gofyniad hwnnw?

David Lloyd: It is not a problem, Chair. I wish to move on to what you have already said about guidance. In your written presentation, you emphasise—as others have done—the importance of the guidance under section 1(3) and you have said this morning that the success of the Measure depends on having guidance of a very high standard. Section 1(3) permits Ministers to introduce guidance, but it does not compel them to do so. Should that requirement be strengthened?

[102] **Dr Maxwell:** Yes, I think that one of the points that we would make is that the phrase 'relevant reputable scientific advice' is open to interpretation. It would be helpful to refer to

specific advice that is approved by relevant Government organisations or officers, so that it becomes more 'official'. There is a huge range of scientific opinion out there and it does change—quite rapidly, at times.

[103] **David Lloyd:** Symudwn ymlaen yn awr at gwestiwn am adran 2 o'r Mesur arfaethedig, sef 'Dyletswydd bellach ar Weinidogion Cymru' i hyrwyddo bwyta'n iach a materion ynghylch y cwricwlwm yn ein hysgolion. A yw bwyta'n iach yn cael ei hyrwyddo'n ddigonol yn y cwricwlwm ar hyn o bryd, yn eich tyb chi, fel y sawl sy'n arolygu'r pethau hyn?

David Lloyd: We will now move on to a question on section 2 of the proposed Measure, namely the 'Further duty on the Welsh Ministers' to promote healthy eating and issues about the curriculum in our schools. Is healthy eating promoted adequately in the curriculum at the moment, in your opinion, as someone who inspects these things?

[104] **Ms Keane:** Un peth yr ydym yn poeni amdano yw'r ffaith bod bwyd wedi'i ailgyflwyno i'r cwricwlwm cenedlaethol i gychwyn ym mis Medi, pan ydym yn gwybod nad yw bwyd wedi cael ei ddysgu o fewn cyrsiau technoleg o'r blaen. O fis Medi, bydd bwyd yn orfodol i blant yng nghyfnodau allweddol 2 a 3—plant mewn ysgolion cynradd ac uwchradd. Yr ydym yn gwybod, fel arolygwyr, fod y cyfarpar ar gyfer darparu'r dosbarthiadau hyn yn annigonol mewn sawl ysgol ar hyn o bryd. Felly, er ein bod yn croesawu'r ffaith bod bwyd wedi ymddangos yn y cwricwlwm unwaith eto, yr ydym yn poeni ynghylch hynny.

Ms Keane: One thing that we are concerned about is the fact that food has been reintroduced into the national curriculum to start in September, when we know that food has not been taught as a part of technology courses before. From September this year, food will be compulsory for children in key stages 2 and 3—children in primary and secondary schools. As inspectors, we know that the equipment to provide these classes is currently inadequate in many schools. Therefore, although we welcome the fact that food has reappeared in the curriculum, we are concerned about that issue.

10.30 a.m.

[105] Yr ydym wedi canfod yn ein harolwg diweddar bod bron pob ysgol yn rhoi cyfleoedd i ddisgyblion ddysgu ynghylch sut i fyw'n iach a bwyta'n iach. Felly, mae ganddynt wybodaeth am hynny. Efallai nad yw'r cydlyn mewn ysgolion ar draws yr holl bynciau yn ddigonol, ond yr ydym wedi canfod bod y gwaith yn mynd yn ei flaen yn dda ar y cyfan.

We discovered in our recent review that almost all schools provide opportunities for pupils to learn about healthy living and healthy eating. Therefore, they have that information. The co-ordination in schools across all subjects may not be adequate, but we have found that the work is being undertaken well overall.

[106] **David Lloyd:** A gredwch y bydd y Mesur arfaethedig hwn yn cryfhau'r hyn sy'n digwydd ar hyn o bryd mewn ysgolion?

David Lloyd: Do you believe that this proposed Measure will strengthen what currently goes on in schools?

[107] **Ms Keane:** Credaf y bydd unrhyw beth sy'n cryfhau'r safonau yn gwella'r sefyllfa. Mae unrhyw beth sy'n rhoi mwy o sylw a chanllawiau i ysgolion, a chefnogaeth, gan gynnwys cyllid ar gyfer y cyfarpar coganio, yn help.

Ms Keane: I think that anything that will improve standards will improve the situation. Anything that gives further attention and guidance to schools, and further support, including financial support for cooking facilities, will be of assistance.

[108] **David Lloyd:** O ran adran 3, a'r hyn

David Lloyd: On section 3 and what the

y mae'r Mesur yn ei ddiffinio fel bwyta'n iach, a yw'r diffiniad o fwyta'n iach yn gosod unrhyw oblygiadau neu feichiau ychwanegol o ran arolygu, monitro ac adrodd ynghylch hyrwyddo bwyta'n iach yn ein hysgolion?

Measure defines as healthy eating, does the definition of healthy eating place any additional implications or burdens in terms of inspecting, monitoring and reporting on the promotion of healthy eating in our schools?

[109] **Ms Keane:** Mae hyn yn cyffwrdd â'r ateb a roddais yn gynharach ynglŷn â'r potensial i fanylu ar bethau mesuradwy, a allai fod yn berygl. Os byddwn, o dan arolygiadau adran 28, yn gorfod arolygu safonau bwyd mewn ysgolion, bydd angen diffinio hynny'n fanwl iawn, a bydd angen i benaethiaid fonitro'r sefyllfa yn ofalus gan gadw cofnod gofalus, nid yn unig o'r bwyd sydd ar werth, ond y bwyd sy'n cael ei fwyta a'r hyn sy'n cael ei yfed. Felly, byddai biwrocraatiaeth a sawl her i ni a nhw yn y broses honno, o bosibl. Un peth sy'n bwysig i arolygwyr ac ysgolion yw gwybod ein bod yn gweithio i'r un safonau a'n bod yn eu deall. Mae'n rhaid cyrraedd lefel fanwl iawn i wneud hynny.

Ms Keane: This touches on the response that I gave earlier regarding the potential to focus on measurable aspects, which could be a danger. If, under section 28 inspections, we have to inspect food standards in schools, we will need to very clearly define those standards, and school headteachers will need to monitor the situation carefully and keep detailed records, not only of the food on sale, but also the food that is eaten and what is drunk. Therefore, there would possibly be bureaucracy involved and a number of challenges for us and them in that process. One important thing for inspectors and schools is to know that they are all working to the same standards and that they understand them. You have to go into a great deal of detail in order to do that.

[110] **Kirsty Williams:** Why are you, perhaps, labouring under the misapprehension that you would be required to inspect on that basis? My understanding of it is that section 5 requires the chief inspector to report to the Assembly on the extent to which schools are complying with their duty to promote healthy eating. I am certainly not under the impression that we are expecting you, as inspectors, or headteachers, to keep a log of what each individual child eats every day. Do you think that you are reading too much into what your role may or may not be? The legal advice that we have received suggests that you will not be responsible for checking the salt content of particular meals; you will be responsible for what schools are doing overall.

[111] **Dr Maxwell:** That kind of clarification is very helpful. We already look, under the current inspection regime, at how schools promote healthy living and healthy eating, so I guess that we have come from the assumption that you are looking for something much more specific than what we currently do. Perhaps what we currently do is quite adequate for this purpose.

[112] **Kirsty Williams:** Brilliant. We will have to clarify that with the Member who is promoting the Measure.

[113] **Dr Maxwell:** We are aware that there is a model up north where nutritionists are brought in to join inspection teams, albeit only in a small sample of schools, as I understand it. It may be that that has also coloured the interpretation of this.

[114] **Ms Keane:** There is a clause that states:

[115] 'appears to have resulted in an increase in healthy eating in those schools'.

[116] That is what has led us down this route, because that means that someone, somewhere must record and monitor and look at trends.

[117] **Kirsty Williams:** Thank you; that is very useful, as we can test that with the Member when she appears before us.

[118] **Jeff Cuthbert:** You have just dealt with questions 12 and 13, which I was going to ask.

[119] **Kirsty Williams:** Sorry, Jeff.

[120] **Jeff Cuthbert:** That is all right; we will save a bit of time. I am dealing with sections 4, 5 and 6 on the reporting requirements and additional workload. With any new requirement, there is an additional bureaucratic burden, which may or may not be acceptable. It has been argued by other presenters that this may be an unacceptable workload, particularly for headteachers. What are your views on that?

[121] **Dr Maxwell:** Broadly speaking, I think that we would expect schools to be able to report on how they are promoting healthy living, and healthy eating as part of that, in a broad sense, in the same way that we currently report through inspection on that area of work. The extent to which it would be a bureaucratic burden would depend entirely on how detailed and specific that reporting requirement would be. Even a relatively innocuous phrase, such as ‘an increase in healthy eating amongst pupils’, begs a whole lot of definitional questions about what counts as healthy eating and so on. If a great deal of detail is required, there will perhaps be a bureaucratic burden. All schools should be able to report on what they are doing in this area.

[122] **Jeff Cuthbert:** The proposer, Jenny Randerson, has suggested that the key to success in this Measure is to ensure the effective monitoring and evaluation of progress and that that is why it needs a statutory approach. Do you agree with that?

[123] **Dr Maxwell:** In terms of monitoring and evaluation, we can move forward without changes in the statutory position; we can readily see ways in which we could help to move forward on that. As I said, we currently report on healthy living and how it is promoted in schools, and I am sure that the new inspection models that we are designing for 2010 will also incorporate an element of that. Over and above that, I think that we mentioned in our submission that we could envisage scope for some thematic survey work that we might do, potentially with other regulators, such as the Food Standards Agency or Healthcare Inspectorate Wales, which could allow us to get regular national feedback on what is an evolving situation. It could involve quite a detailed drill down into certain areas that are beyond our expertise, but which, with FSA or HIW involvement, would allow quite a rounded look.

[124] I was also struck by something that your previous presenter said about using data on health outcomes for young people through a biannual survey of health and young people. Trying to link all of this to the actual outcomes and improvements in the health of young people would be important so that, as well as looking at healthy eating uptake, we would be able to triangulate that with the long-term impact and whether it is resulting in improvements in health.

[125] **Jeff Cuthbert:** I can skip a few questions, as they have already been asked. A few minutes ago you referred to nutritionists. In your submission, you give an indication of the cost of including nutritionists in inspection teams. Can you briefly surmise for us what role nutritionists currently play? Do you think that the role could be different if the new Measure comes into force?

[126] **Dr Maxwell:** At the moment, we do not have any nutritionists involved in our inspection programmes.

[127] **Jeff Cuthbert:** So, there is no role for them at the moment.

[128] **Dr Maxwell:** No; that would be completely new.

[129] **Jeff Cuthbert:** Do you think that there could be a role for them under this Measure?

[130] **Dr Maxwell:** I would see a thematic role for nutritionists in terms of monitoring reviews, rather than trying to build them into routine section 28 school inspections. Through Healthcare Inspectorate Wales and the Food Standards Agency, we could source nutritionists—I presume that they have access to such people. We could set up an interdisciplinary team that could look at these issues in a sample of schools.

[131] **Jeff Cuthbert:** You mentioned the specific thematic work. Is this something that falls within your existing functions? Could you do that now if you wished?

[132] **Dr Maxwell:** Yes; that would be no problem at all.

[133] **Jeff Cuthbert:** You suggest that such an approach would be more efficient, targeted and flexible. Do you think that that is not likely to be achieved if this Measure came into force?

[134] **Dr Maxwell:** In terms of my emerging understanding of what is implied by the Measure, I do not think that that would get in the way of it. If it forces us to enhance only our section 28 inspections and to focus all our attention on those, it might be a distraction for us. However, if the Measure is supported by us doing thematic aspect reviews, I do not see it getting in the way of those; I do not see why it should, and I suspect that it would support it in some respects.

10.40 a.m.

[135] **Kirsty Williams:** Thank you, Jeff. I will now turn to section 7, which is based on section 114(1) of the School Standards and Framework Act 1998, which enables Welsh Ministers to make regulations to prescribe nutritional standards of meals. The proposed Measure goes beyond existing powers by requiring that, when making regulations to prescribe on food and drink, Welsh Ministers must specify maximum levels of fat, salt, sugar and artificial additives. It is not clear from reading your evidence whether you support the provisions under section 7, which would provide more stringent nutritional standards. Could you clarify where you stand?

[136] **Dr Maxwell:** I support more stringent requirements, but I do not support the notion that inspectors could monitor those in every school inspection.

[137] **Kirsty Williams:** That is very clear. Section 7 (1) provides that the Welsh Ministers may, by regulation, prescribe the nutritional standards of food and drink in schools. Do you think that the proposed Measure should require Welsh Ministers to make those regulations to prescribe standards, as opposed to simply enabling them to do so? The Measure says that Ministers can do it, but do you think that we should state that Ministers should do it?

[138] **Dr Maxwell:** We think that Ministers should do it, whether they are required to or not.

[139] **Jeff Cuthbert:** ‘Should’ is still optional.

[140] **Dr Maxwell:** We would like to see most Ministers do that, but how that happens is

for the political process.

[141] **Kirsty Williams:** Thank you, that is very clear. We have had a discussion about whether imposition of these standards could have the same effect in Wales as was seen in England, where people simply turned their backs on the school meals service, walked away from it and chose other options. There was a big debate last week about whether the school meals service in England was collapsing as a result, and that it simply was not economic to run the school meals service on the funding that was available.

[142] In her evidence, Jenny Randerson suggested that the incremental approach may be the way of combating such a reaction in Wales, but we have heard from Ann that an incremental approach, while it might achieve that outcome, could cause difficulties in terms of how you would relate to that and how you could inspect and report on it. I am trying to get a feel for whether or not you think that the incremental approach could be overcome in your inspection regime. Could you adapt the way that you work, and your methodologies, to take account of that? Is that possible?

[143] **Ms Keane:** Indeed, we do take account of changes and new policies in our update training for inspectors and in our guidance. However, that causes issues for schools when they see that a school inspected in one year was not inspected to the same standard as one that was inspected perhaps three or six months later. So, that is the issue. However, on the other hand, a survey approach would not pose that same challenge, and we say that it is more flexible and responsive because we could easily adapt to it. It could give an overall, state-of-the-nation picture based on questionnaires, sampling and some visits in relation to changing incremental standards.

[144] **Kirsty Williams:** Thank you, that is very helpful and clear.

[145] Section 8 of the proposed Measure would impose a duty on local education authorities to ensure that a supply of water is available free of charge. Dr Maxwell touched on the unsatisfactory arrangements in some schools relating to water and to toilet facilities, which may have a direct impact on a child choosing to drink enough water during the day. Do you think that this issue should be addressed by the proposed Measure? It states that water should be available, but does not say anything else about the consequences of that.

[146] **Dr Maxwell:** That issue falls outside the scope of the Measure as it is currently framed, as do many other environmental factors. Although I suppose that you could extend the Measure indefinitely if you went down that road, we would like to see minimum standards for school toilets being introduced by the Welsh Assembly Government by some mechanism or another. If it is not through this Measure, we would want to see that pursued in other ways along the lines of the school toilet charter—and I am reliably told that it is called the ‘bog-standard award’. [*Laughter.*]

[147] **Kirsty Williams:** Sections 9 and 10 of the proposed Measure are aimed at encouraging the take-up of school meals, but in your written submission—and you have already mentioned it today—you say that even if a child is entitled to free school meals, he often will not take up that option, preferring to leave the site, because of peer pressure and so on. I understand that. What impact do you think that those issues would have on the effectiveness of sections 9 and 10 of the provision on encouraging take-up?

[148] **Dr Maxwell:** Clearly, if pupils can leave the school—and many will continue to do that for a variety of social and other reasons—that will undermine the impact of getting a full take-up of healthy school meals. The most successful schools that we have seen are generally those that do not allow pupils off site, and we would expect most schools to move towards that position if it is feasible for them to do so, although we also have to be realistic about the

facilities in some schools making that difficult. For example, some schools do not have adequate dining facilities for the numbers of pupils coming out at lunchtime. However, we would like to see evolution towards that approach, of people generally staying on campus.

[149] **Kirsty Williams:** I guess that has added benefits for a whole host of reasons.

[150] **Dr Maxwell:** Yes, it has social and disciplinary benefits as well.

[151] **Mr Champion:** May I just chip in there? In our survey in the last year, we have case studies of schools that improved the quality of the food, and addressed the off-site policy and some of the environmental factors relating to the dining hall and so on. In one school that we visited—and it is included in the report—60 of the 117 pupils who were eligible for free school meals were taking them prior to the changes, but, following the changes, 114 out of the 117 pupils were. The school took action on the raft of issues that were impacting on whether pupils choose to eat at school. Therefore, it is perfectly possible for schools to achieve that.

[152] **Kirsty Williams:** Brilliant. Thank you for that. Thank you, Dr Maxwell and Mark, for your attendance here this morning and for the evidence that you have given, which we greatly appreciate, along with your ongoing contribution to raising all the standards—and not just the bog standards—of education and training providers in Wales. We are very grateful for your work on a day-to-day basis. Thank you very much for coming this morning.

[153] We now turn to our final session this morning, and I invite to the table the representatives of the Newport ‘Appetite for Life’ working group. We are joined by Steve Kelly, who is the catering manager for Newport City Council, Claire Norris, who is the professional lead for children and young people in the department of nutrition and dietetics at the Gwent Healthcare NHS Trust and Rachel Cope, who is the schools community dietician for Newport City Council. Welcome to you all. We are pleased to have people here who are at the sharp end of trying to achieve this policy, so we are very grateful for the interest that you have taken in the proposed Measure and for taking the time to come here this morning. We will move straight to questions from Dai Lloyd.

[154] **David Lloyd:** Gofynnaf gwestiynau cyffredinol i ddechrau. Yn eich cyflwyniad ysgrifenedig, a diolch yn fawr amdano, yr ydych, yn gyffredinol, yn gefnogol o’r Mesur arfaethedig hwn ynghylch bwyta’n iach mewn ysgolion. Yr ydych hefyd yn awgrymu, fel y gwnaeth nifer o dystion eraill, fod gweithgareddau eraill yn mynd yn eu blaen, yn enwedig ‘Blas am Oes’, ac efallai bod y rheiny’n ddigon i wella’r sefyllfa. Felly, er eich bod yn dweud eich bod yn gyffredinol gefnogol i Fesur arfaethedig Jenny Randerson, a ydych yn credu bod gwir ei angen, neu, fel mae eraill wedi tystio, a fyddai’n well aros am ganlyniadau ‘Blas am Oes’ ymhenn dwy flynedd?

David Lloyd: I will ask some general questions to start. In your written submission, and thank you very much for it, you are generally supportive of this proposed Measure on healthy eating in schools. You also suggest, as other witnesses have done, that other activities are under way, particularly ‘Appetite for Life’, and that perhaps those activities are sufficient to improve the situation. Therefore, although you say that you are generally supportive of Jenny Randerson’s proposed Measure, do you believe that it is actually necessary, or, as others have said, would it be better to wait for the results of ‘Appetite for Life’, in two years’ time?

10.50 a.m.

[155] **Mr Kelly:** As a group, we are in general agreement that ‘Appetite for Life’ needs to be legislated for. That is, at some stage, there will be a need for legislation. As the Chair pointed out, we are at the sharp end, and we want to move the agenda on without sending any mixed messages. We want to be able to work with our stakeholders using joined-up thinking,

and so legislation would give clarification. From talking to our colleagues in other authorities, I know that when ‘Appetite for Life’ was new and was first being discussed, fellow caterers asked, ‘Is this going to be put in legislation?’. I think that the way forward is to ensure that there are no mixed messages, so that people know what is expected, and to give those of us who will be required to implement it the tools, so that we can work with our stakeholders—it is not just the schools that are doing this. To implement ‘Appetite for Life’ and move forward to make a change, it must be done in partnership. The legislation aspect is very important.

[156] **David Lloyd:** Just to confirm that, the Measure would put that legislation in place, so, from that point of view, you would be wholly supportive of the proposed Measure as already outlined, would you?

[157] **Mr Kelly:** Yes.

[158] **David Lloyd:** Moving swiftly on, section 1(1) of the proposed Measure imposes a duty on Welsh Ministers, local education authorities, governing bodies, headteachers and everyone else to promote healthy eating by pupils while they are at school or engaging in any activity that is incidental to their education. What is your view on any additional burdens that this may create for those relevant authorities, as outlined?

[159] **Mr Kelly:** There will be extra responsibilities but, to a large extent, you have to be realistic. You have to make your organisation fit for purpose, be it a school, a catering organisation, or an LEA. If you have an initiative or a set of targets to meet, you have to buy into it, but you have to make your organisation fit for purpose to do that. My view is that there are support mechanisms to help and support schools to deliver ‘Appetite for Life’, because, as I said before, they cannot do it on their own, and that is why we set up our working group. The responsibilities and the accountability go with the job.

[160] There is a huge implication for local authorities as regards finance and investment, because getting a nutritional balance is about more than just putting the food on the plate. A whole set of issues needs to be looked at and reconciled, given that we expect that food to be served in a social context. Headteachers are looking at the school day and at how to deliver that healthy, nutritionally balanced meal within the school day. There are things that the school has to do and things that we have to do.

[161] There are a lot of implications to pursuing ‘Appetite for Life’, but it is just a question of identifying those issues and prioritising your budgets. To be perfectly frank, the Welsh Assembly Government has a part to play, because it cannot just say that the local authority needs to come up with the money for it.

[162] **David Lloyd:** On the duty to promote healthy eating, are there any minimum requirements that the relevant authorities should meet to fulfil that duty?

[163] **Ms Cope:** One element that I think is important is a requirement for schools to have food and fitness policies in place. In ‘Appetite for Life’, there is certainly that suggestion—indeed, it is encouraged—but there is no requirement. There could be a requirement for the policy to be reviewed annually, to assess whether the practice reflects the policy. That would be important. It is also important to link school councils with caterers, to involve caterers in the school council meetings, and to have SNAGs—school nutrition action groups—to discuss food and nutrition issues. The ‘Appetite for Life’ working group has always felt that it is important to consult with pupils and parents. We are trying to do a lot of that, so we feel that that would be important as well. Claire, did you want to make a point?

[164] **Ms Norris:** We feel that we need to touch upon the material requirements. We listened to some of the earlier discussion, and it is important to mention dining facilities, the

infrastructure for the catering facility, and the resources that you have in your catering staff. If you are to make the sorts of changes that ‘Appetite for Life’ requires and influence children to adopt those changes in a positive way, you have to give them a positive environment to support that, to make them want to stay in school.

[165] **Kirsty Williams:** Brilliant, thank you. I think that you are the first group to understand the requirements of section 1(1) and what this Measure is trying to do.

[166] **Mr Kelly:** To give some kind of understanding, I will just expand on that. I have worked in a number of local authorities and, in fairness, Newport has been pretty proactive in its investment. Our kitchens and facilities are not in the kind of state that you might find in other local authorities. Even so, we have 10 schools with no kitchen and 10 with no dining facilities. We have schools where children come out and collect their food and then go back to eat it in a classroom. I hate the phrase ‘tick the box’, and so to enable us to do more than that, and to provide a nutritious, balanced meal that will change the health of the nation, we need to see this in a social context. So, you have got to invest in dining facilities and in providing those currently non-existent kitchens. To rectify that, you are talking about millions of pounds for one authority. Then multiply that by 22.

[167] So, it is a question of making your organisation fit for purpose, whether it is an LEA or a catering service, but you cannot do it all in one go. It has to be prudently thought through and planned for, and it needs partnership working. I include the Welsh Assembly Government in that, to provide the facilities and the resources to do it.

[168] **Ms Norris:** If I may come back, I have one more point that relates to that. In addition to investing in the bricks and mortar, there is also an issue with the volume of children who require feeding at lunchtime. We have very large comprehensive schools, but dining facilities that can in no way cope with such numbers in three quarters of an hour. That is a big issue.

[169] **David Lloyd:** To move on, the proposed Measure as outlined does not place any restrictions on the food brought into school by pupils for their own consumption. There are pros and cons about that, but do you think that that could undermine the effectiveness of the proposed Measure?

[170] **Mr Kelly:** I would robustly say ‘Yes, absolutely’. Five years ago, we probably catered for more pupils than we had pupils who brought in their own packed lunches, but it is the other way around now. The demographics have changed completely. If we are to move forward in a robust way, we have to reach parents. Messages must be given to parents to enable them to make informed choices, and part of that set of tools is the buy-in of the head or the governor who could say, ‘We have this initiative, and we would give you guidance as parents and pupils as to what we feel you should be bringing on site, because on site our policy is X, Y and Z’.

11.00 a.m.

[171] I would not go as far as doing what has been seen in some English authorities where heads or deputy heads stand at the gate saying, ‘Right, bag of crisps out.’, or whatever. It is a question of providing people with information to make those informed choices, but it is also a message to parents that there is buy-in from the school, and that the school is behind what is going on. If you do not do that, it is a bit of a cop-out—and many heads would very much like not to do it. However, it is part of the joined-up thinking that you must have.

[172] **Ms Norris:** It is important that that is also supported through the taught curriculum and the rewards systems in school; we all know of systems that reward with chocolates, sweets and so on. Therefore, you have to have a whole-school approach to this if you are

going to change the culture around food.

[173] **Mr Kelly:** I wish to make a positive point. I go to schools regularly, and one of the first things that I do is go around and look at the kids who have brought their own food. Until about a year and a half ago, I could honestly say that I had never seen a healthy packed lunch. However, things are changing, particularly in primary schools. Where we are working with schools and the schools are taking ownership and providing information to kids, I can see that there is an absence of chocolate, cake, sausage rolls, savoury eggs and so on. Instead, you see brown bread, wholewheat bread and different types of fruit, which the children are genuinely enjoying. In six or seven years' time, when those kids go to comprehensive schools, we will reap the benefit in those schools. However, the work that is being done at the moment is already reaping benefits.

[174] **Kirsty Williams:** I wish to turn to section 3(c) of the proposed Measure, which refers to the need for healthy eating to cause as little damage as is reasonably possible to the environment during the course of its production, processing and distribution. You had some particularly interesting things to say about purchasing arrangements, which would have an impact on your ability to meet this provision. Could you talk briefly about the practical problems that you envisage in trying to meet this part of the definition of healthy eating?

[175] **Mr Kelly:** We considered that this section was very much about local procurement and meeting other agendas, which I can understand. In general, what we have found is that people may be saying, politically, that there are other lines of purchasing, that you can do this, that and everything else and actually get in sustainable local produce at a decent price. However, we have not seen evidence of that. If we were talking to many of our schools, procuring produce that is organic, fair trade and as local as possible, would be high on their agendas because, again, the message has got across to schools about working with children and looking at carbon footprints and so on. It would be high on the agenda, but, realistically, the money and the processes are not there to do it at present. Therefore, it would be an aspiration for us, but, realistically, we would find it hard to deliver on that.

[176] **Kirsty Williams:** Did you have a brief question on this, Jeff?

[177] **Jeff Cuthbert:** It is okay, thank you—it has been dealt with.

[178] **Kirsty Williams:** Wonderful. In the explanatory memorandum provided with the proposed Measure, the Member suggests that the key to success in promoting healthy eating in schools is to ensure effective monitoring and evaluation. The Measure provides for governing bodies, as opposed to headteachers, to report on the progress made in healthy eating as part of their existing reporting arrangements. Do you have a view on the suitability of this?

[179] **Ms Norris:** I think that I am probably approaching this from slightly the wrong angle. Our initial answer was to put across our point that, if Estyn is to include the healthy eating standards in its monitoring process, it should incorporate someone who is qualified to do that. I was pleased to see our colleagues make that point quite well earlier. On hearing that, it became clear to me that it also should incorporate somebody at the sharp end, in the catering world, because they need to understand the practicalities of it in total. It became very clear that the inspection process should incorporate the inspection of healthy eating measures, but that people with the appropriate background and qualifications are needed to do it, as it is not something that academics can necessarily do. I am not sure that that answers the question that you asked.

[180] **Kirsty Williams:** I think that it does, as you accept the principle of governors reporting provided that, in measuring that, you have people with the appropriate skills,

qualifications and knowledge to judge performance; you cannot ask lay people to comment on it, which is why we have dieticians and other professionally qualified people.

[181] **Ms Norris:** Absolutely.

[182] **Mr Kelly:** In getting the buy-in from schools, there are two key people. One is the governor, and the other is the head. I will not go into the politics within those relationships, but essentially, my take on it, from talking to many governors, is that they want to be involved and they want to be able to take ownership. In providing that joined-up thinking, governors need to produce reports that are in the realm of the parents, so that the parents understand what is being done locally, what effect that is having, what their plans are and so on. The support to the schools and the governors, to ensure that they can demonstrate to the parents what they are doing, in my opinion, comes from the LEA, the 'Appetite for Life' group or whichever mechanisms are put in place. It is important to gain as much ownership from as many stakeholders as possible, and within the school setting, the two movers and shakers that affect policy are the governor and the head.

[183] **Kirsty Williams:** Thank you. We will finish off with some questions from Jeff Cuthbert.

[184] **Jeff Cuthbert:** Thank you, Chair. I will combine two questions, if I may.

[185] With regard to the requirements of the proposed Measure on Welsh Ministers in terms of prescribing requirements for food and drinks, particularly specifying maximum permitted levels of fat, salt, sugar and artificial additives, what are the practical implications of more stringent requirements?

[186] Linked to that, you say in your evidence that it is a necessary requirement for Welsh Ministers to do this, but the proposed Measure states that they 'may' do it by regulation as opposed to being compelled to do it. Are you adamant about compulsion?

[187] **Ms Norris:** We feel that the broad brush approach of setting standards for fat, salt and sugar is important, but our definition of 'healthy eating' is, essentially, what provides all the nutrients for health, as promoted by the eatwell plate, for example. So, there is no mention of calcium, which is important for bone density, or of iron and folates and so on—all the important nutrients that you will get only from a varied and balanced diet. Those are covered in the 'Appetite for Life' guidelines, and we feel that the proposed legislation should be more robust and take on board those considerations.

[188] **Jeff Cuthbert:** That is fine, thank you. In your submission, you also express concern that removing certain types of popular but unhealthy foods could drive children further into unhealthy eating habits as, for example, they will buy from catering vans near the school or bring unhealthy food from home.

11.10 a.m.

[189] Do you think that the incremental approach, as envisaged in the proposed Measure, would help to safeguard against that?

[190] **Ms Cope:** The incremental approach is important, but I do not think that it is going to help to safeguard against that. I talk a lot to parents, pupils and caterers in my work, and there is a feeling out there that, 'If there is a van that I can go to, I am going to go to it, and if I can bring things in from home, I am going to bring them in from home because I want my chocolate and crisps.' I know that that is true from talking to parents and pupils and so on. What would safeguard against that is the provision of free meals to all pupils. I think that it

might help if free meals were available to all pupils and everyone was there. I also think that the closed-campus policy would help, so that pupils would not be allowed to go off the site and get these things from catering vans and so on. There should certainly be guidance and education for parents and pupils about what to bring in from home so that they can make that sort of food healthier. I do not think that an incremental approach on its own is going to safeguard against that; we have to think about these other things too.

[191] **Jeff Cuthbert:** I appreciate that it would not solve the issue by itself, but would it assist, with other measures?

[192] **Ms Cope:** I think that it probably would. I do not know how my colleagues feel about this one, but I think that it probably would help. You are looking at, and we are starting with, the primary schools and then, when the pupils go up to the secondary schools, years down the line, I think that the situation will be a bit better for them. The incremental approach is important. You cannot, all of a sudden, just get rid of everything that they are used to, so I do think that it will help.

[193] **Ms Norris:** It is not just about the incremental approach, but it is, again, about the full, rounded approach—360 degrees. If you are saying that you want a closed campus, you have to have some plans for what is going to happen on the campus during the lunch time period. We are talking about enriching children's lives and combining food and fitness, so we want to get them involved in activities—physical and cultural activities—during that on-campus time. It is about the whole picture, is it not?

[194] **Kirsty Williams:** I think that that rounds off the questions from us. On behalf of the committee, I thank you for your attendance this morning. Due to the clarity of your evidence and the clear understanding that you have of the proposed Measure, it has been great to hear from you and to meet you. I would just like to thank you for the work that you are doing on your patch to try to deliver this agenda, with or without legislation. I am very grateful to you for giving us of your time this morning. Thank you very much.

[195] To round off this morning, I will just inform Members that the next meeting will take place on 1 July, when we will hear, once again, from Jenny Randerson to test some of the issues that we have heard about. I remind Members again, formally, that the consultation closed on Friday, 20 June. All responses will be available on the Assembly's website shortly. We have had a very good number of responses. With that, I declare the meeting closed.

*Daeth y cyfarfod i ben am 11.13 a.m.
The meeting ended at 11.13 a.m.*