

Education and Lifelong Learning Committee

Regulations Introducing Nutritional Standards in School Meals

Background

1. The Welsh Office announced in its July 1997 white paper "Building Excellence in Schools Together" that it would introduce minimum nutritional standards for inclusion in school meals contracts by May 2002.
2. The power to implement this proposal is contained in Section 114 of the School Standards and Framework Act 1998:

"...prescribe nutritional standards.....which.....are to be complied with in connection with the provision of school lunches for registered pupils at schools maintained by local education authorities."

Action to Date

3. In March 1999 the National Assembly for Wales launched a consultation exercise which sought views on a paper outlining the options for introducing minimum nutritional standards. These sought views on the merits of the proposed standards being nutrient based or food based, similar action was undertaken by the Department for Education and Employment in England.
4. There were 41 responses to the Welsh consultation document. They all accepted the need for minimum nutritional standards and broadly supported the need for regulations. They also mostly agreed that the standards should be food based rather than the alternative, more technically difficult to monitor, nutrition based. The responses to the initial consultation exercise suggested that there was some disquiet about the amount of prescriptive regulation, with a number of respondents suggesting that more of the regulations should be issued as guidance.
5. The conclusions of the DfEE consultation exercise were very similar to those of the National Assembly's. Since the completion of the initial consultation exercise, the DfEE have been considering the balance between regulation and guidance. This has taken some time as they have been involved in discussions with an ad-hoc group of interested parties to reach a mutually acceptable balance between regulation and guidance.

Action for Committee

6. The National Assembly is committed to consulting on draft regulations before they are put into effect. The committee is being asked to note that a further consultation exercise is beginning which seeks views on the draft regulations and the draft regulatory appraisal, which we are obliged to provide, attached to this paper. The content of the draft regulations and draft regulatory appraisal have been considered by Financial, Education and Health colleagues in the National Assembly and also the Food Standards Agency in Wales. They are all content with the drafts.

Issues

7. The major issues raised in the initial consultation exercise concerned the number of times certain food items appeared on school menus and the amount of prescription which should be included in the regulations, in particular for secondary schools.

8. The DfEE have issued regulations in England and guidance for school caterers will follow later in the year. The draft regulations being consulted on by the National Assembly for Wales are similar to the regulations issued by the DfEE but have divided food categories into four separate groups, whereas the regulations in England also defined a group of foods containing fat and sugar. There were no references in the regulations to foods from that group having to be provided in school meals, so there is no reference to such foods in the draft welsh regulations.

A. Fruit and vegetables.

B. Starchy foods.

C. Meat, fish and other non-dairy sources of protein.

D. Milk and dairy foods.

9. The draft regulations define the standards applicable by reference to three groups, based on type of school the pupil attends:

i. Nutritional requirements for children who attend nursery schools or nursery units in primary schools

Each day food from each of the groups A, B, C and D shall be available as part of school lunches for registered pupils at nursery schools or nursery units in primary schools

ii. Nutritional requirements for pupils of compulsory school age at primary schools

On each day food from each of the groups A, B, C and D shall be made available so that -

- a. within group A,
 - i. fresh fruit, fruit tinned in juice or fruit salad shall be available every day;
 - ii. a fruit based dessert shall be available at least twice in any week;
 - iii. a type of vegetable (which does not fall within group B) shall be available every day;
- b. within group B, fat or oil shall not be used in the cooking process on more than three days in any one week;
- c. within group C,
 - i. fish shall be available at least one day in any one week;
 - ii. red meat cuts shall be available on at least two days in any one week;

iii. Nutritional requirements for pupils at secondary schools

On each day two types of food from each of groups A, B, C and D shall be available so that:

- a. within group A both a fruit and a vegetable are available;
- b. within group B on every day that a food cooked in oil or fat is available, a food not cooked in fat or oil shall also be available;
- c. within group C, fish shall be available on at least two days in any week and red meat cuts shall be available on at least three days in any week.

10. Much of the interest in setting standards has been concerned with the number of times pupils are offered chips and/or beans. As can be seen from the summary of the regulations in paragraph 10, secondary schools can offer chips (or other food) cooked in fat or oil as often as they wish, but they have to make a non-fatty alternative available as well, thus providing pupils with a choice. For primary school pupils, chips (or other food) cooked in fat or oil cannot be offered more than three times in any one week. In respect of nursery pupils, there is no restriction on the number of times chips can be offered, providing other food groups are offered as well.

Timing of Introduction of Regulations

11. The National Assembly is committed to introducing minimum nutritional standards in school meals contracts by May 2002. Subject to the outcome of consultation on the draft regulations, it is suggested that the standards are introduced in Wales with effect from 1 May 2001 and implemented from 1 September 2001. This timetable would allow sufficient time for the draft regulations and draft regulatory appraisal to be consulted upon and go through the Assembly's legislative procedure.

12. Implementing the standards in this way will also allow time for those responsible for the drafting of school meals contracts to take full account of the regulations.

Conclusion

13. As the regulations and a draft regulatory appraisal seeking views from local authorities on the cost of introducing minimum nutritional standards have already been issued by England, the National Assembly are in a better position to determine the content of the Welsh regulations as most of the issues which delayed the issue of the English regulations have been resolved and the conclusions reflected in the draft regulations attached..

14. The draft regulations and draft regulatory appraisal have been sent out for consultation and the responses will help determine whether there are any particular Welsh needs which should be reflected in the regulations. A summary of the consultation exercise will be presented to the Committee when members will be able to debate the draft regulations and any recommended changes thereto which fall from the consultation exercise.

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