

Ein Cyf /Our Ref:
Dyddiad /Date:
Gofynnwch am/Please ask for:
Llinell uniongyrchol/Direct line:
Ebost/Email:

WLGA/ P-05-932 /201102
2nd November 2020
Sharon Davies
029 2046 8610
sharon.davies@wlga.gov.uk



Janet Finch-Saunders AM
Chair, Petitions Committee
National Assembly for Wales
Ty Hywel
Cardiff Bay
Cardiff
CF99 1NA

Annwyl/Dear Janet,

Petition P-05-932 Education on Food Allergies in Schools & Mandatory EPI PEN Training

The Welsh Local Government Association (WLGA) welcomes this opportunity to inform the Petitions Committee of our work on special diets in schools and provide a response to the above petition. This response was prepared by the WLGA's National Food in Schools Coordinator (*'National Coordinator'*) and National Dietitian for Special Diets in Schools (*'National Dietitian'*) and approved by the WLGA's Education Spokesperson.

Information about the WLGA's work in relation to special diets in schools

The role of the *National Coordinator* is to support and advise local authorities and maintained schools in relation to food in schools, with a focus on healthy eating. In Wales, 99% of primary schools and 72% of secondary schools have their catering service organised by their local authority. The remaining schools organise their own catering arrangements through contract caterers or by employing catering staff directly. In recent years, there has been growing demand to support local authorities with managing special diets in schools. This appears to be a consequence of increasing demand and expectations by parents and pupils, and the introduction of progressively stringent allergen legislation.

A special diet can be described as a food provision, based on a requirement, that cannot be freely selected from the main options available. Within schools these include medically prescribed diets (e.g. allergies, intolerances, type 1 diabetes, coeliac disease), additional dining needs (e.g. modified texture, modified dining environment, limited food range) and religious, cultural, vegetarian and vegan.

In January 2018, the *National Coordinator* established Regional Working Groups for Special Diets, including representatives from catering services, local health board dietetic services, local authority education services, the

Dr Chris Llewelyn
Prif Weithredwr
Chief Executive

Cymdeithas Llywodraeth
Leol Cymru
Tŷ Llywodraeth Leol
Rhodfa Drake
CAERDYDD CF10 4LG
Ffôn: 029 2046 8600

Welsh Local Government
Association
Local Government House
Drake Walk
CARDIFF CF10 4LG
Tel: 029 2046 8600

wlga.cymru
wlga.wales

@WelshLGA

**Croesawn ohebiaeth yn y Gymraeg a'r Saesneg a byddwn yn ymateb i ohebiaeth yn yr un iaith.
Ni fydd defnyddio'r naill iaith na'r llall yn arwain at oedi.**

We welcome correspondence in Welsh and English and will respond to correspondence in the same language.
Use of either language will not lead to a delay.

Association for Public Service Excellence Wales, Coeliac UK, Diabetes UK, LACA Wales, the National Autism Team and the Welsh Government. The aims of these groups are as follows:

1. Develop nationally agreed guidance for managing special diets in maintained schools in Wales and encourage stakeholders to 'sign up'.
2. Quantify the demand, provision and financial implications of special diets in maintained schools in Wales.
3. Highlight and share good practice with a wide range of stakeholders within Wales and the UK.
4. Recruit a *National Dietitian* to support stakeholders and focus on progressing the work of the regional working groups.

The fourth aim was achieved in December 2019, with a two-year project plan approved by a National Project Board. In the first year, the plan was to trial and refine the WLGA's draft guidance for managing special diets in relation to school meals, and pilot a data collection process across Wales. As of 28 February 2020, 27 schools from 13 local authorities had expressed an interest in taking part in the school trials. In the second year, the plan was to roll-out the guidance and develop special diet menus, recipes and training for school catering services. Pending further funding for years three and four, the plan is to review, develop and sign-post schools to special diets guidance and training across the whole school day. Throughout the project the *National Dietitian* will continue to chair regional working groups, liaise with a wide range of stakeholders and input to relevant reviews of legislation and guidance.

Progress of the project has been significantly hampered by COVID-19. Following the suspension of statutory education in March 2020, the WLGA supported the secondment of the *National Dietitian* back to the NHS between April and September. It is optimistically anticipated that the first year's plans can resume in 2021 and preparations are underway. However, plans will remain flexible depending on circumstances and demands.

For further context, the principles of the WLGA's special diets work are outlined below, with a rationale for their importance from the perspective of regional working group members:

- 1. Procedures should be school-led and guidance should cover the whole school day, from breakfast to 6pm** - There are inconsistencies in managing mild allergies, intolerances, coeliac disease, religious, cultural, vegetarian and vegan requirements across the school day and across Wales. Schools often direct parents to contact their catering service, rather than collecting and sharing information at school-level. A school-led approach, with special food requirements identified during school enrolment and information shared with the catering service, would enable special food provisions to be offered across the whole school day.
- 2. Schools and catering services are expected to make reasonable arrangements to offer special food provisions and develop flexible policies and practices for responding to requests** - There is limited national guidance for managing special diets in maintained schools in the UK.
- 3. Pupils with special food requirements should be offered a provision equivalent to that of other pupils** - They will usually have the same nutritional requirements.

**Croesawn ohebiaeth yn y Gymraeg a'r Saesneg a byddwn yn ymateb i ohebiaeth yn yr un iaith.
Ni fydd defnyddio'r naill iaith na'r llall yn arwain at oedi.**

We welcome correspondence in Welsh and English and will respond to correspondence in the same language.
Use of either language will not lead to a delay.

4. **Special food provisions (excluding medically prescribed diets) should be provided for within an overall provision that complies with [The Healthy Eating in Schools \(Nutritional Standards and Requirements\) \(Wales\) Regulations 2013](#) (*'Healthy Eating in Schools Regulations'*)** - Additional dining needs are not currently captured under the definition of medically prescribed diets.

With regards to the second principle, it is important to note that LACA (England) have also established a working group to develop "nationally agreed policies for the management of allergens in education catering". The *National Coordinator* supported this group during its conception in May 2019 and provided information about the WLGA's special diets work. The *National Dietitian* is keen to continue sharing good practice and plans to trial LACA's 'risk assessment tool' alongside the WLGA's guidance.

The remainder of this letter responds to the main themes of the petition, with reference to the WLGA's special diets work.

Education on food allergies for pupils

Previous responders have highlighted the legal duties placed on local authorities and governing bodies in relation to providing appropriate education. The WLGA supports the principles of the New Curriculum for Wales and the opportunities this brings for head teachers and their governing bodies. Where schools have pupils with severe food allergies, food intolerances, coeliac disease or type 1 diabetes, it would be good practice for them to provide education on these supported by their local authority and partner agencies. Pending further funding for years three and four of the special diets project, the *National Dietitian* plans to review, develop and sign-post schools to, educational resources on food allergens, as part a whole-school approach to managing special diets.

Mandatory adrenaline auto-injector (AAI) training

Previous responders have highlighted the legal duties placed on local authorities and governing bodies to plan for, and respond to, emergency situations and provide appropriate training. The WLGA understands the rationale behind Allergy UK's campaign to make AAIs mandatory in all maintained schools and agree that additional funding would be required for the purchase of AAIs and comprehensive staff training.

In terms of managing special diets in schools, the WLGA's draft 'procedures' comprise eight steps, ranging from the essential 'enrolling' step to the undesirable and avoidable 'reacting' step. To date, regional working group discussions around AAIs have highlighted that some schools expect local authority catering staff to be trained and responsible for administering AAIs during the provision of free breakfast in primary schools. Local authority catering services do not consider this to be appropriate or reasonable. The [Free breakfast in primary schools: Statutory guidance for local authorities and governing bodies](#) states that "headteachers are responsible for the internal organisation, day-to-day management and control of the school and this applies to the breakfast session." The WLGA's draft 'roles and responsibilities' recommend that a 'named member of school personnel' is responsible for organising training and ensuring appropriate action is taken in case of an emergency across the whole school day.

**Croesawn ohebiaeth yn y Gymraeg a'r Saesneg a byddwn yn ymateb i ohebiaeth yn yr un iaith.
Ni fydd defnyddio'r naill iaith na'r llall yn arwain at oedi.**

We welcome correspondence in Welsh and English and will respond to correspondence in the same language.
Use of either language will not lead to a delay.

Education on food allergies for school staff

This petition has provided the *National Dietitian* with valuable information to further develop the 'planning' and 'providing' steps in relation to special diets training. This may involve enhancing the role of the 'named member of school personnel' to support fellow school personnel with managing all special diets across the whole school day. This role would be similar to the 'allergy champion' suggested by the petitioner. In the second year of the special diets project the *National Dietitian* plans to develop special diets training for catering services. Pending further funding, this will be extended to other school personnel in the third and fourth years.

Whole-school approach to allergen management

Previous responders have highlighted the legal duties placed on local authorities, governing bodies and catering services. The Minister for Education's initial response to this petition explained that "[her] officials attend regular meetings with school caterers, local authorities and dietitians, where issues around food allergies are discussed in depth" and "[Welsh Government] are also changing the *Healthy Eating in Schools Regulations* and revising the [\[Healthy Eating in Schools\] Statutory Guidance](#) for schools". The *National Coordinator* and *National Dietitian* organise and chair these meetings and will continue working closely with Welsh Government officials to proceed changes and revisions, particularly with regards to the management of special diets in schools, informed by the special diets project.

It is anticipated that the Welsh Government's [Supporting learners with healthcare needs guidance](#) (*Healthcare Needs Guidance*) will also be updated, following the additional learning needs reforms, informed by the special diets project. Most of this guidance, in relation to school responsibilities for making support arrangements and gathering and sharing information with stakeholders, is robust and in line with the draft 'procedures' and 'roles and responsibilities'. The WLGA are of the view that the *Healthcare Needs Guidance* could be positively updated with: more detail and rigour in relation its suggested complaints procedure; greater precision around the provision of allergen and nutritional information to parents and pupils; and clearer distinctions between the statutory guidance and non-statutory advice. Some members of the regional working groups have also expressed dissatisfaction about the decision-making process for Individual Healthcare Plans (IHPs), suggesting that the final decision on their requirement should be with the registered healthcare professional providing care to the pupil, rather than the head teacher.

Building on Public Health Wales' reference to the Welsh Network of Healthy Schools Scheme (WNHSS), there is an opportunity for the *National Coordinator* and *National Dietitian* to inform the impending review of the National Quality Award indicators in relation to Food and Fitness and Hygiene and Safety. The *National Coordinator* already has close links with WNHSS colleagues in relation to a whole-school approach to healthy eating in schools and will liaise with PHW about this alongside the *National Dietitian*.

The WLGA agree with the views of Allergen UK, that "most schools take their responsibility for children's health extremely seriously", "individual healthcare plans are used in many schools" and "the steps forward we have made over recent years in legislation and statutory guidance still need to go further to ensure all children living with allergy are safe in school". The *National Dietitian* is keen to liaise with Allergen UK further, to find out more about their 'gold standard' model policy for the management of allergies in schools and the 'School Allergy Action Group' programme in secondary schools.

**Croesawn ohebiaeth yn y Gymraeg a'r Saesneg a byddwn yn ymateb i ohebiaeth yn yr un iaith.
Ni fydd defnyddio'r naill iaith na'r llall yn arwain at oedi.**

We welcome correspondence in Welsh and English and will respond to correspondence in the same language.
Use of either language will not lead to a delay.

In response to some specific points raised by the petitioner, the WLGA expects schools to be inclusive during educational and recreational activities and involve appropriate healthcare professionals and parents in the preparation of IHPs. If this is not happening, the petitioner and other parents/carers in the same situation, could request a copy of the school's healthcare needs policy and follow the complaints procedure that should be detailed within the policy.

A school-led, whole-school approach is essential to the WLGA's special diets work, the Welsh Government's *Healthcare Needs Guidance*, the WNHSS and Allergen UK's 'School Allergy Action Group' programme.

Monitoring implementation of healthcare needs policies and good practice

This theme of the petition is fundamental to the bigger question of whether healthcare needs policies are implemented consistently across the whole school day and across Wales. To help answer this, it is necessary to explore who is responsible for ensuring effective implementation and how this is monitored.

The *Healthcare Needs Guidance* states that "governing bodies must ensure plans, arrangements and procedures to support learners with healthcare needs are in place and are properly and effectively implemented". One of the governing bodies' responsibilities is "ensuring arrangements are in place for the development, monitoring and review of the healthcare needs arrangements." The headteacher also has responsibilities in this regard, but it is unclear whether these are statutory or non-statutory given that the *Healthcare Needs Guidance* is only issued as statutory guidance to governing bodies and local authorities. Headteacher responsibilities include "ensuring the arrangements in place to meet a learner's healthcare needs are fully understood by all parties involved and acted upon, and such actions maintained" and "providing annual reports to the governing body on the effectiveness of the arrangements in place to meet the healthcare needs of learners". Local authorities' responsibilities are primarily concerned with "ensur[ing] education provision is available to learners" and "should provide support, advice and guidance, including how to meet the training needs of education setting staff." For clarity, it is worth noting that local authorities are not responsible for monitoring effective implementation of the *Healthcare Needs Guidance* within their education settings.

Estyn's role in monitoring the implementation of schools' healthcare needs policies primarily relates to the "safeguarding" aspect of the "care, support and guidance" area of the common inspection framework. Estyn's [Supplementary guidance: inspecting safeguarding in schools and PRUs](#) provides information on the *Healthcare Needs Guidance* and highlights that safeguarding encompasses a range of issues, including "arrangements for meeting the needs of children with medical conditions", "pupil health and safety and wellbeing" and "safe recruitment, supervision, training and management of staff". Although special diets are not referenced explicitly, inspectors have a point of reference should a healthcare concern or question arise during an inspection.

The WLGA supports the assurances given by the Association of Directors of Education in Wales (ADEW) and the anecdotal feedback highlighted by Allergen UK, in relation to policy implementation. We have discussed this matter with members of the regional working groups and undertaken a review of LA- and school-level healthcare needs policies during summer 2019. Catering managers were generally aware of their local authority's healthcare needs policy and some had contributed to its development in relation to special diets. Representatives from Coeliac UK and

**Croesawn ohebiaeth yn y Gymraeg a'r Saesneg a byddwn yn ymateb i ohebiaeth yn yr un iaith.
Ni fydd defnyddio'r naill iaith na'r llall yn arwain at oedi.**

We welcome correspondence in Welsh and English and will respond to correspondence in the same language.
Use of either language will not lead to a delay.

Diabetes UK echoed the views of Allergen UK, acknowledging that their organisations are often contacted by parents when they encounter issues, rather than to praise some of the good practice that is going on in schools. The review of healthcare needs policies found that each local authority had a policy in place, in the form of guidance or a model policy. School policies were generally in line with their local authority's policy but were less likely to be published online. Where these policies were available, over 95% referenced the term "dietary" and over 85% referenced "allergies". This review suggests that there is inconsistency in implementation, in relation to the (albeit not critical) requirement to publish policies online, and some policies could offer more information in relation to dietary requirements and allergies. When the *National Dietitian* starts working with pilot local authorities and schools, she will be able to further consider the appropriateness of policies, in terms of special diets, and how effective schools are at implementing these.

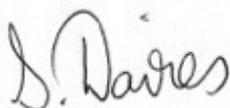
It is acknowledged that the above review may have taken place before the Minister for Education "wrote to all maintained schools to reiterate the requirement to read the statutory guidance and implement a healthcare needs policy at the earliest opportunity". However, the *National Dietitian* intends to offer support to local authorities' governor services and Estyn in relation to managing special diets, with a view to developing training resources and effective practice case studies, respectively.

Final comments

It is important to note, and illustrated by the petitioner's lived experiences with regards to allergen management in their child's school, that the WLGA's work on special diets will not automatically create a robust, accountable and scrutinised process for managing all special diets in schools in Wales. Complementary updates to the *Healthy Eating in Schools Statutory Guidance* and *Healthcare Needs Guidance* will help. Further engagement from local authorities' education services, beyond catering services, and continued engagement from partners will also be required to further develop, introduce, implement and monitor compliance with nationally agreed guidance consistently.

The *National Coordinator* and *National Dietitian* are sensitive to this petition, and other petitions that have been addressed by the Petitions Committee in relation to food in schools, and would welcome further correspondence with the petitioner, the Petitions Committee and fellow responders. The *National Dietitian* would also be interested in engaging with the Welsh Government's in relation to reviewing their approach to allergies and immunology.

Yn gywir / Yours sincerely



Sharon Davies
Pennaeth Addysg
Head of Education

**Croesawn ohebiaeth yn y Gymraeg a'r Saesneg a byddwn yn ymateb i ohebiaeth yn yr un iaith.
Ni fydd defnyddio'r naill iaith na'r llall yn arwain at oedi.**

We welcome correspondence in Welsh and English and will respond to correspondence in the same language.
Use of either language will not lead to a delay.