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| <i>item:</i> | 11 |
| <i>report:</i> | CYP24/06 |

SCHOOL NUTRITION AND HEALTH PROMOTION BILL

By Louise Thomas, Norma Murray and Fiona Clarke

Summary

This report proposes a response to the current Scottish Executive consultation on the School Nutrition and Health Promotion Bill.

1. Introduction

1.1 This report has been produced to present the Joint Committee with responses to the School Nutrition and Health Promotion Bill, that have been gained through consultation with various groups across Highland. The consultation period has lasted one month and has included the following measures to gain the opinions of Highland communities and stakeholders through the following avenues.

- Presentations to NHS Highland and The Highland Council key groups and agencies and services including: ECS Quality Development Team, Public Health, Integration Managers and Health Promoting Schools team.
- Consultation to Highland Council Catering providers including Scolarest.
- All Schools individually received a facilitator's pack and responses have been collated.
- Social Work residential units and Youth Service outlets received a facilitator's pack.
- Community retailers and groups.
- The Youth Voice website including a competition for responses.
- Local food producers' through the Highlands and Islands Local Food Network.

1.2 The School Nutrition and Health Promotion Bill focuses on 4 main duties that will be placed on local authorities. Each of the areas has been explored with key groups with reference to 6 key questions supplied by the Scottish Executive.

- 1.3 It is proposed that the Bill will:
- place a duty on local authorities to ensure that food and drinks supplied in local authority schools meet defined nutrient standards
 - place a duty on local authorities to promote uptake of school meals, in particular free school meals, and a duty to ensure that those receiving free school meals can do so anonymously, as far as is practicable
 - within defined nutrient standards, give local authorities the power to provide children, either free of charge or with a charge, with drinks, fruit, vegetables, bread or cereal-based snacks, at any time of the day
 - place a duty on Scottish Ministers and local authorities to endeavour to ensure that all local authority schools are health promoting environments.

1.4 The consultation paper is available at:
<http://www.scotland.gov.uk/Publications/2006/05/02142249/0>.

1.5 The consultation period will run from 3 May to 31 July 2006. Following this, Scottish Ministers will have a Bill prepared for introduction into the Scottish Parliament, most likely in autumn 2006.

2. Highland Responses

2.1 The overwhelming overall view has been very positive to the Bill and many key stakeholders identified that in Highland, we already have undertaken many strategic and operational approaches to promote good nutrition, school meals and increase uptake of free school meals. All schools are 'Health Promoting Schools' and this has been a springboard for schools to take a whole school community approach to ensure continuous improvement.

2.2 The key difference is that in Highland we have embedded these measures through the Your Choice Implementation Plan, Hungry for Success and 'Health Promoting Schools' rather than through compulsion and a legal duty placed upon the authority.

2.3 The general response from all presentations has been: 'Why would you say 'no' to any of these questions?!' Therefore the majority of responses have been concerned with points of clarification, suggestions for refinement and questions regarding implementation, and recommendations to extend the 'Bill' beyond the school gate.

- 2.4 Often the question of the 'duty of care' was central to discussions and as children and young people are in the care of the locally authority in 'loco parentis' that we should be ensuring that school nutrition meets certain standards.
- 2.5 The legislation will intervene at a critical point to influence future life choices if the Bill can be marketed in a way to promote a cultural change for e.g. the smoking ban is encouraging a culture change. This can also be used as a springboard to widen the scope of the Bill to include hospital, school hostel accommodation and residential/day care.
- 2.6 Parent / carers need to be at the heart of this legislation; some schools have expressed concerns at the demands placed upon them.
- 2.7 The importance of teaching children and young people about food skills (shopping, cooking and preparation) is central to the success of these changes - therefore taking a whole school approach.
- 2.8 The proposed response is attached as an appendix.

Recommendation

The Joint Committee is asked to consider and agree this response to the consultation.

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APPENDIX

SCHOOLS (NUTRITION AND HEALTH PROMOTION) (SCOTLAND) BILL CONSULTATION QUESTIONS

1. **Do you agree that local authorities should be under a duty to ensure that food and drinks which they provide in their schools, including nurseries, meet defined nutrient standards?**

Broadly yes, if the defined nutrient standards are similar to those in Hungry For Success. The NUTMEG analysis tool is used to assess school meals; we would need a similar tool or appropriately adapting to include snacks, breakfast items etc.

The defined nutrient standards need to include expertise from Oral Health to ensure a consistent message.

As an authority we do not have any powers or flexibility to ensure unhealthy outlets such as 'burger, ice-cream and snack vans' are not immediately accessible to children and young people. A whole school community approach needs to be taken to work with local businesses such as chip shops, garages and local stores within the parameters of the school to reinforce the health message.

In order to ensure a whole school approach to nutrition the bill would need to include, PTA fairs, school discos, and other events held on local authority premises. Alongside side this trips outwith school including residential visits and sporting events would need to be given consideration.

Head teachers often give sweets as treats for prizes, will this include them? Food should neither be used as a punishment or reward. Would this cover birthday cakes?!

Concerns were raised about taking away the choices of children and young people, considering that we are now moving to the 'Curriculum for Excellence' we are ensuring young people become responsible citizens. In taking away choices are we suggesting they are not capable of making choices themselves? Could it be an age and stage appropriate level of choice can be implemented.

'Healthy food can be tasty and cool, but we want a choice' Young people via Youth Voice website.

It has to be recognised that there is a tension in providing healthy and affordable food when agricultural subsidises support the production of cheap fat and sugar.

We would support the notion that the same nutrient standards be applicable to all local authority owned premises where food snacks and beverages are provided directly to children and young people either supplied by the LA or a through a franchise.

We would like to see recommendations on the restriction of additives and sweeteners included in this section.

2. **Where children are attending independent schools, and where the provision of food and drinks are arranged or funded, by a local authority, should the food and drinks meet defined nutrient standards?**

Overwhelmingly Yes.

3. **Should local authorities be under a duty to promote uptake of school meals in their schools, including free school meals?**

Overwhelmingly Yes. It is considered to be absolutely essential; schools need adequate resources to ensure this at a practical level. E.g. effective and supportive lunchtime provision.

Accommodation for dining needs to be appropriate to ensure that children and young people can take a school meal in comfortable surroundings. Currently in some schools in Highland there is no available space for all schools to take a school meal in suitable surroundings, queues would be so long that time would be prevent everyone being able to be served. The 'duty' that local authorities have needs to be defined and specific to enable local authorities to be compliant.

4. **Should local authorities be under a duty to ensure that those taking free school meals can do so anonymously, as far as is practicable?**

Overwhelmingly Yes. As above if we promote the uptake of school meals this would enable free school meals to become much more anonymised. Funding needs to be provided to widen the eligibility for free school meals. Our own needs assessment has highlighted the importance of reassuring parents / carers that the whole process is anonymous and there is no stigma attached.

5. **Should local authorities have the power to provide children in local authority schools with free drinks, fruit, vegetables, bread or cereal based snacks, which meet defined nutrient standards?**

Yes with reservations, the defined nutrient standards need to be realistic and time needs to be given for transition to suppliers, operators, consumers and providers. It is recognised that suppliers and producers of the more popular tuck shop items will develop their goods and methods of production to eventually meet the defined nutrient standards.

The Bill should ensure that health inequalities are into account, therefore the Bill should include private schools and the funding allocated for implementing the standards should not be based on solely on indicators of deprivation.

The Scottish Executive need to recognise that media advertising play a huge part in promoting unhealthy snacks to children and young people.

Time for preparation and consumption of food has become an issue in schools that have competing priorities within the school timetable.

6. Should there be a duty on Scottish Ministers and local authorities to endeavour to ensure that all local authority schools are health promoting environments?

All the responses to this question have been yes, we would also be willing to support the notion of healthy lunchbox education and promotion.

It would serve to ensure higher recognition of the schools status in inspections such as HMIE and QA processes.

This has been achieved in Highland and the scheme is progressing to enable continuous improvement. The scheme has also been nationally endorsed by a team of representatives from the Confederation of Scottish Local Authorities, the Scottish Executive Education Department, the Scottish Health Promoting Schools Unit, and NHS Scotland.

The authority also needs to ensure that in order to reduce health inequalities the Health Promoting Schools scheme extends to include the education of different and diverse groups. E.g Traveller children and young people educated in off site provision.

We have made some inroads to sustainable procurement and sourcing organic produce, but would like more support to be able to procure and access local food for local schools thus improving the local economy.

The Scottish Executive has ruled out giving free school meals to everyone. To do so would cost nearly £200 million. The Executive would rather target entitlements to those most in need. The Executive is interested in hearing views on potential options for extending entitlement to free school meals.

The response to this has been variable. Parents have indicated that they support the extension of free school meals eligibility. However, a broader view is that this should continue to be a targeted service as indicated.