

**SCHOOLS (HEALTH PROMOTION AND NUTRITION) (SCOTLAND) ACT 2007**

The Schools (Health Promotion and Nutrition) (Scotland) Act 2007 (referred to here as 'the Act') received Royal Assent in April 2007. The purpose of this circular is to explain the main provisions of the Act.

The main requirements of the Act are summarised below:

- imposes duties on the Scottish Ministers, education authorities and managers of grant-aided schools to endeavour to ensure that public schools and grant-aided schools are health-promoting;
- places duties on education authorities and managers of grant-aided schools to ensure that all food and drink provided in schools complies with nutritional requirements, (to be specified in regulations by the Scottish Ministers);
- places a duty on education authorities to have regard to the nutritional requirements regulations when purchasing a place at an independent school;
- gives education authorities the power to provide pupils with snacks, either free of charge or subject to a charge;
- places a duty on education authorities to promote school lunches and, in particular, free school lunches;
- places a duty on education authorities to protect the identity of those receiving free school lunches; and
- places a duty on education authorities and managers of grant-aided schools to have regard to any guidance issued by the Scottish Ministers on sustainable procurement when providing food or drink or catering services in schools.

Each of these provisions is discussed further below under the relevant sections of the 2007 Act.

Act Sections 1 & 2: Health promotion:

In discharging the health promotion duty, the Education, Culture and Sport Service must take account of any guidance about health promotion in schools which the Scottish Ministers may issue from time to time. Guidance will be tied to national agenda's e.g. A Curriculum for Excellence, ECO schools.

The Act makes amendments to the Standards in Scotland's Schools etc Act 2000 to ensure that strategies for ensuring that schools are health-promoting form part of the annual

statement of education improvement objectives. As a result of these amendments to section 5 of the 2000 Act, all school development plans will have to take account of the improvement objectives set out by education authorities in relation to health promotion.

Act Sections 3 & 4: Nutritional regulations for food and drink in schools

The 2007 Act requires that food and drink provided in schools, nurseries and hostels provided and maintained by the Highland Council comply with the nutritional requirements specified by Scottish Ministers in regulations. Final guidance on the regulations is awaited.

The regulations will apply to food and drink provided as a school lunch, breakfast or snacks at any other time of the day. It also applies to vending machines.

Highland Council currently exceeds the requirements of the Act and there are no plans to change current policy. Our School Food Nutrition and Health Policy can be found at the following link:

<http://www.forhighlandschildren.org/htm/your-choice-to-healthy-living/your-choice-to-healthy-living.php>

Act Section 5: Education authorities' arrangements with independent schools

Timetable for implementation of the Act:

Date	Provision
10 August 2007	Power to provide pupils with snacks (Section 6)
3 January 2008	Duties in relation to health promotion (Sections 1&2)
August 2008	Duties in relation to food and drink in schools and sustainable development guidance (Sections 3-5 & 7-9)

Compliance with the Act:

The Service is generally well placed to deliver the requirements of the Act having led the way nationally on Health Promoting Schools and having in place a School Food Nutrition and Health Policy which in will exceed the regulations.

However there are some areas where action will need to be taken to ensure compliance, these include:

- Head Teachers need to ensure catering franchises on school grounds comply with regulations e.g. café, tuck shop.
- There is also need to ensure compliance with mandatory requirements for hostels, nurseries and outwith lunchtime in schools. This includes monitoring of the nutritional standards for provision outwith Catering Services Contract.
- All procurement practise must demonstrate sustainable development
- There is a need to investigate local bye laws and regulation in relation to vendors at school gates e.g. chips van. Regulation has not covered this.

Further discussion is planned to ensure a planned approach to compliance with mandatory requirements including nutritional regulations and their monitoring. This is particularly

important where provision is outwith the scope of current Catering Services Contracts in relation to schools, hostels and nurseries e.g. tuck shop, snacks in nursery.

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