

## MRS Plenary briefing

Wednesday 15 October 2008

### Debate on the Proposed Healthy Eating in Schools (Wales) Measure 2008

This paper provides an overview of the proposed Healthy Eating in Schools (Wales) Measure. It goes on to summarise the conclusions and recommendations made in the report of the Proposed Healthy Eating in Schools Measure Committee.

#### 1. Motion for debate

**Jenny Randerson (Cardiff Central):** To propose that the National Assembly for Wales in accordance with Standing Order 23.24: Agrees to the general principles of the Proposed Healthy Eating in Schools (Wales) Measure.

*The Proposed Healthy Eating in Schools (Wales) Measure and Explanatory Memorandum were laid before the Assembly on 14 March 2008.*

#### 2. Key documents / information (underlined text denotes hyperlink to document)

- The Proposed Measure: [Proposed Healthy Eating in Schools \(Wales\) Measure 2008](#), 14 March 2008
- Explanatory Memorandum: [Proposed Healthy Eating in Schools \(Wales\) Measure 2008: Explanatory Memorandum](#) 14 March 2008
- Proposed Healthy Eating in Schools Measure Committee, [Stage 1 Committee Report](#), 6 October 2008
- Welsh Assembly Government [Appetite for Life](#) consultation document, 29 June 2006 and [consultation responses](#)
- Welsh Assembly Government Press Release, [Launch of Appetite for Life Action Plan](#), 22 November 2007
- Welsh Assembly Government consultation, [Proposals for Electronic Scheme for Determining Eligibility for Free School Meals](#), January 2007
- Information on the [Welsh Network of Healthy School Schemes](#)
- Welsh Assembly Government [Health.e.school website](#)

### 3. Overview of the proposed Measure

The proposed Healthy Eating in Schools (Wales) Measure aims to be a holistic, comprehensive, made-in-Wales policy on nutrition which ensures that healthy eating is promoted and supported for all registered pupils of schools maintained by local education authorities in Wales. Its provisions include:

- A duty on Welsh Ministers, local education authorities, governing bodies and head teachers of maintained schools to promote healthy eating by registered pupils, having regard to guidance issued by Welsh Ministers and relevant reputable scientific advice;
- Ministers must exercise their functions relating to the curriculum so as to promote healthy eating;
- A definition of healthy eating, which includes that food and drink should benefit the person consuming it and not damage the health of the person consuming it and that food and drink should cause as little damage to the environment as possible;
- Duties and functions in relation to inspecting (by the Chief Inspector of Schools) and reporting arrangements (by Welsh Ministers and school governing bodies);
- Ministers may prescribe by regulation maximum amounts of fat, salt, sugar and artificial additives in food and drink provided on school premises and may specify nutritional standards or requirements. Regulations may also specify food or drink that may not be provided;
- Local education authorities must supply drinking water, free of charge;
- Local education authorities must promote and encourage pupils to consume school meals;
- Local education authorities must take reasonable steps to ensure that all pupils who are entitled to receive free school meals do so and must take reasonable steps to ensure that the identity of pupils who receive a free school meal is protected.

### 4. Committee's consideration

The Committee found there was broad support for the general principle of the proposed Measure and recognised the positive work being undertaken through the Welsh Assembly Government's *Appetite for Life* Action Plan, although they received evidence that suggested that there was significant variability in arrangements for improving healthy eating. The Committee believe that a statutory approach to healthy eating is warranted.

The Committee acknowledged concern raised in evidence that it may be appropriate to await the outcome of the *Appetite for Life* Research Project before progressing the proposed Measure. However, the Committee believed that this provided insufficient reason to delay bringing forward the proposed Measure. The Research Project focuses on nutritional standards, which is only one element of the proposed legislation and the absence of commencement dates in the proposed Measure will allow the Minister flexibility to introduce provisions at an appropriate time.

The Committee acknowledged that the duty to promote healthy eating could cause additional burdens, but believed that the promotion element is key to changing attitudes and behaviour towards healthy eating. The Committee recommended that the proposed Measure be strengthened to **require** Welsh Ministers to issue guidance on how authorities should discharge their duty in the promotion of healthy eating.

Whilst food being brought into school is outside the scope of the Proposed Measure, the Committee recommended that guidance should encourage all schools to develop and implement packed lunch policies in partnership with parents and carers. The Committee also recommended that Welsh Ministers rather than 'relevant authorities' should have regard to 'relevant reputable scientific advice' and that the meaning of this phrase be made clear in the Measure.

The Committee recommended that consideration be given to including a separate provision in the Measure with the aim of promoting the principles of sustainability and that adequate support is provided to those responsible for the planning and delivery of the school meals service.

The Committee supported the reporting and inspection arrangements, but recommended that further thought be given to how to measure the impact of the duty to promote healthy eating. The Committee also recommended that the Member in charge should consider how greater clarity could be achieved in how Estyn will inspect healthy eating.

The Committee recommended that the proposed Measure should be strengthened to **require** Welsh Ministers to make regulations in relation to specifying the nutritional standards of school meals rather than enabling them to do so.

The Committee recommended that guidance should require that the supply of drinking water should be easily accessible, physically divorced from the toilets and where possible, sourced from the mains supply.

The Committee recommended that the proposed Measure includes a requirement on Welsh Ministers to issue guidance in respect of the promotion of school meals and the protection of the identity of pupils receiving free school meals. The Committee also recommended that guidance issued by Welsh Ministers encourages all schools to ensure that the quality of the dining experience is conducive to encouraging healthy eating.

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