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Consultation – summary of responses

The draft Healthy Eating in Schools (Nutritional Standards and Requirements) (Wales) Regulations

Date of issue: August 2013



The draft Healthy Eating in Schools (Nutritional Standards and Requirements) (Wales) Regulations

Audience	Local authorities; headteachers; governing bodies; children and young people; parents/carers and members of the public.
Overview	An online consultation on the draft Regulations made under section 4 of the Healthy Eating in Schools (Wales) Measure 2009. The Regulations set out nutritional standards and requirements for food and drink provided in schools (including nursery schools) maintained by local authorities (LAs) in Wales. The provisions in these draft Regulations are based on the food and nutrient standards recommended under the Welsh Government's Appetite for Life agenda.
Action required	None – for information only.
Further information	Enquiries about this document should be directed to: Pupil Wellbeing Branch Support for Learners Division Department for Education and Skills Welsh Government Cathays Park Cardiff CF10 3NQ Tel: 029 2082 1076 e-mail: WELLBEINGshare@wales.gsi.gov.uk
Additional copies	This document can be accessed from the Welsh Government's website at www.wales.gov.uk/consultations

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Introduction

The Healthy Eating in Schools (Wales) Measure 2009 (“the Measure”) was passed by the National Assembly for Wales on 8 July 2009 and received Royal Approval on the 15 October 2009. The overall intention of the Measure is to require local authorities and governing bodies to promote healthy eating and drinking by pupils in maintained schools in Wales and to provide for the regulation of food and drink provided in those schools.

Between 31 January and 25 April 2013 the Welsh Government undertook a web-based consultation on the draft Healthy Eating in Schools (Nutritional Standards and Requirements) (Wales) Regulations made under the Measure. Two versions of the consultation document were made available – one for adults and a version for children and young people. The questions in both versions differed slightly; therefore, these have been summarised and analysed separately. The Welsh Government is very grateful to those who took the time to respond to this consultation.

Summary of adult consultation responses

A total of 85 responses were received by the Welsh Government. A list of the respondents is provided in Annex A (see page 13). The consultation asked six questions. Not all respondents answered every question, and others sent a summary of their views instead of using the web-based form. These have all been taken into consideration when preparing this summary analysis.

Question 1 (Regulation 4 and Schedule 1) – Do you agree that school breakfasts should only include milk-based drinks or yoghurts, cereals (not sugar/chocolate/cocoa powder coated or flavoured), fruit and breads?

Nursery and primary schools					
Yes	56	No	5	Not sure	11

Secondary schools					
Yes	47	No	14	Not sure	8

The majority of respondents agreed with this question in terms of both the nursery/primary sector and the secondary sector.

- Of respondents that agreed with this question, they typically commented:

‘Yes this is reasonable and creates consistency with the Appetite for Life agenda.’

‘We agree . . . This will ensure that children and young people are provided with a healthy, nutritious breakfast, giving them a good start to the day and this will assist in developing good eating habits.’

- While in agreement with the changes, many respondents felt that the foods proposed for breakfast were too restricted and a wider variety of healthy items should be available, e.g. protein items including eggs, sausages, etc., and vegetables such as beans and tomatoes. This was true across both sectors but especially in secondary schools (where breakfast is provided) as respondents felt they needed a more substantial breakfast.
- While in agreement with the changes, some respondents felt that the drinks proposed for breakfast were also too restricted and felt that alternative drinks to milk should be available to cater for dietary requirements/intolerances, e.g. fruit and vegetable juices in both sectors and hot drinks in addition in secondary schools.

- Other respondents felt that the items specified in Regulation 4 and Schedule 1 required further clarification in terms of: permitted cereals; bread types; whether low fat/sugar spreads are permitted on bread/toast; whether a maximum fat, salt and sugar content should be specified and appropriateness of different types of milk for different age groups.

Question 2 (Regulation 5 and Schedule 2) – Where school lunches are provided to pupils in maintained nursery schools, which do not follow the requirements for lunches provided in primary schools, do you agree that, as a minimum, they should include fruit and vegetables, meat, fish and other non-dairy sources of protein, starchy foods and dairy foods and milk?

Yes	65	No	1	Not sure	8
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- The majority of respondents agreed with this question and the reasons below were provided:

‘We agree . . . good eating habits are developed at an early age and that it is important that nursery schools provide food that contributes to a healthy balanced diet and promotes good eating habits.’

‘These food groups provide energy and a range of nutrients that children need to grow and develop, and it is therefore appropriate to require that where nursery lunches do not meet the Regulations for lunches, they contain foods from each of these four food groups.’

- While agreeing with this question, there was a feeling that ultimately the same standards should apply to nursery schools as primary schools and this should also be stipulated within the regulations.
- Some respondents, while agreeing with this question, felt further clarification was required with regards to portion sizes, frequency of food types and drinks:

‘Clarification is also required for schools dealing with both nursery and primary pupils, as to why there are different requirements for drinks as in schedule 5, i.e. fruit juice acceptable for secondary schools, only at mealtimes for primary and nursery and diluted for early years and childcare settings.’

Question 3 (Regulation 6 and Schedules 3 and 4) – Do you foresee any significant practical difficulties in implementing the food requirements and nutrient standards for school lunches?

Primary schools					
Yes	29	No	32	Not sure	10

Secondary schools					
Yes	43	No	17	Not sure	5

The majority of respondents felt that within secondary schools, there may be significant practical difficulties in implementing the requirements. Those who responded with regards to primary schools were more divided in their opinions.

- It seems the majority of respondents generally feel it is easier to implement the standards for school lunches in primary schools than in secondary schools, in particular the nutrient standards. In secondary schools there is a 'grab and go' culture that exists and also schools are competing with pupils that have the choice to go out to the local shops to purchase unhealthy lunches.
- One perceived difficulty was actually getting pupils to choose the healthy food/meals on offer. There was a feeling that healthier foods do not look as appealing or taste as good – generally, pupils will not eat them and in the case of secondary schools respondents believe pupils will go off-site to have lunch/bring unhealthy food in. As a result of this some respondents felt that there should be restrictions on what food items children can bring into school, one respondent even calling for this to be included within the regulations.
- Many called for guidance to support interpreting and implementing the regulations, particularly in relation to procedures for monitoring compliance and consequences for non-compliance, as well as dealing with dietary requirements/food intolerances.
- There was a feeling across all sectors that implementing these standards will lead to higher costs and budget pressures, particularly in terms of: purchasing better quality ingredients; labour costs due to increased time taken to produce better quality meals; ongoing training and undertaking nutritional analysis which they believe requires a dietician and is complex.

- Of those respondents who foresaw no significant practicalities in implementing the requirements, the main reasons provided included:

‘All been done here in school, some difficulties to begin with but we persevered. As the children move through the year groups they get used to what’s for sale.’

‘If clear, positive communication and rationale is given when introducing the Regulations to schools and its wider community we don’t foresee any significant difficulties’

Question 4 (Regulation 7 and Schedule 5) – Do you agree that drinks should be restricted, to encourage children to drink water and drinks which have a clear nutritional benefit?

Nursery and primary schools					
Yes	58	No	5	Not sure	10

Secondary schools					
Yes	57	No	6	Not sure	4

The majority of respondents agreed that within both sectors, drinks should be restricted.

- Typical comments from those who agreed included:

‘Children and young people should be encouraged to drink water routinely as an initial drink of choice and to use it as the first choice for hydration.’

‘Restricting drinks to those of nutritional benefit will help to reduce the number of ‘empty’ calories consumed and reduce the risk of obesity.’

- While agreeing with the question some respondents across sectors were concerned that this may lead to an increase in unhealthy drinks being brought into school.
- Some respondents called for guidance to provide clarification on: size restrictions for drinks; dilution of fruit/vegetable juices; whether the restrictions apply to staff/visitors and exceptions for allergies and intolerances.
- Some respondents agreed with the permitted drinks in primary schools but disagreed with those permitted in secondary schools as they believe the list is vastly different from what is allowed in primary schools.

- Of the few respondents that disagreed with the question or were not sure, some felt that fruit juice should be allowed, and should be diluted if more appropriate for younger children. Others felt flavoured milk and low-sugar squash should also be allowed, especially in secondary schools.

Question 5 (Regulation 8 and Schedule 6) – Do you agree that food provided outside breakfast or lunch provision in schools should have a clear nutritional benefit?

Nursery schools					
Yes	56	No	1	Not sure	10

Primary schools					
Yes	60	No	1	Not sure	10

Secondary schools					
Yes	59	No	4	Not sure	3

The majority of respondents agreed with this question across all the sectors, and of the minority that disagreed most of these were in relation to secondary schools only.

- Respondents who agreed stated:

‘Food offered throughout the day should support consistent healthy eating messages and be consistent across all settings.’

‘Increasing access and availability to nutritious snacks will make it easier for children and young people to consume a healthy, balanced diet.’

- Some respondents, while agreeing with the question, felt that a wider choice of healthy foods should be available; they felt what is proposed is too restrictive and dairy products, eggs, plain rice cakes, popcorn and toast should be included.
- Other respondents felt that after-school clubs, food preparation in food technology lessons, fundraising and other school events should not be exempt from the regulations.
- Some respondents felt that detailed guidance must be provided to aid schools in implementing the new requirements, in terms of: maximum sugar and salt levels; information on dealing with dietary requirements/intolerances; and a list of permitted food items including dairy products.

- Of the few respondents that disagreed, the main reason cited was that pupils should have a choice.

Question 6 – We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Comments offered under this section can be broadly categorised as follows.

- The regulations should go further than they currently do. Many respondents felt that the following should also be restricted under regulations/not be exceptions; food brought in by pupils; food provided as rewards for achievement/good behaviour; food provided at school events; and food for use in cookery lessons, as these could undermine healthy eating messages. There was a call for the regulations to specify that fruit juice should be diluted for children under the age of five, and to include more stringent food-based standards to limit other starchy foods cooked in fat or oil. It was even felt by some that pupils should be prevented from leaving the premises at lunch time.
- The regulations require further clarification on particular areas. Such areas include: what alternatives are available for pupils with dietary/multicultural requirements, and whether the regulations cover after-school clubs/vending machines on the premises and leisure centres/other venues used by the school.
- There is a need to provide guidance to aid the implementation of the regulations and provide further clarification. Respondents felt guidance was required in relation to monitoring the regulations – who is responsible for ensuring they are adhered to and what the consequences are for non-adherence – and what consists as appropriate dining facilities, as well as length of lunch breaks.
- Even though schools have received grant funding for the last three years to take forward this agenda, a few respondents still feel that the timescale for implementation is unrealistic, especially in relation to secondary schools.
- Concerns were raised in relation to the time taken and staff required to prepare menus that are compliant within the nutritional software as this leads to higher costs also to a detrimental impact on the take-up of school meals if children do not take up the healthy options.

Summary of children and young people consultation responses

A total of 851 responses were received from children and young people. They were invited to consider five questions and respond directly with either yes, no or don't know; Question 6 then provided an opportunity to raise anything else they felt we should consider when making these rules. A list of respondents is provided at Annex B (see page 15).

Question 1

Do you think it is a good idea that breakfast in school should only include:

- **milk-based drinks or yoghurt**
- **cereals but not ones covered in sugar, chocolate or cocoa powder**
- **fruit**
- **bread?**

Yes	435	No	306	Don't know	107
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The majority of respondents agreed with this question.

- The typical reason from those that agreed was that as breakfast is the most important meal of the day it should be healthy.
- The majority of all respondents, those that agreed and disagreed, felt that other items should be provided in addition to the list above. The main items called for included: fruit juice; smoothies; cooked breakfast; croissants; bagels; jam; eggs; pancakes; many varieties of sugar/chocolate coated cereals; cereal bars; and hot drinks.
- Of the respondents that disagreed many suggested that such 'other items' (listed above) could be allowed on certain days or more than one day a week.

Question 2

Do you think the foods listed for nursery school lunches are a good idea?

Yes	313	No	111	Don't know	386
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The majority of respondents were unsure on this question. However, of those respondents that felt they could choose, the majority agreed with this question.

- Of the respondents that agreed, it was felt that this was important for younger children to have a healthy start in life.
- Of the majority of respondents that chose 'Don't know', it seems that many were not provided with the list of foods that nursery children are permitted and there was generally a lot of confusion around this question.
- Of the respondents that disagreed with the question, some felt that nursery children should be treated the same and not be allowed different foods.

Question 3

Do you think there will be any problems in making sure that food given for lunches has nutritional benefit and is healthy?

Yes	336	No	294	Don't know	210
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The majority of respondents agreed that there could be problems in making sure that the food given was nutritionally beneficial and is healthy. However, there were still a large percentage of respondents who thought that there would not be any problems.

- Of the respondents that agreed there could be problems, the main reasons provided included: switching quickly could lead to pupils bringing in unhealthy items from home; there could be issues for pupils with special food needs, e.g. diabetes/religion/illnesses; some pupils may skip meals as they won't like what is being served; it could become more expensive and pupils need some sugar for energy.
- Of the respondents that did not think there would be problems in making food healthy, the main reason they felt this was because their schools provide/should provide healthy food anyway and most people like healthy options.

Question 4

Do you think it is a good idea that the only drinks given in schools and for lunches have nutritional benefit and are healthy?

Yes	377	No	353	Don't know	110
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The majority of respondents agreed with this question. However, the number of respondents that disagreed was also very high showing there were mixed views.

- Of the respondents that agreed with this question, the main reasons given were that they felt such drinks should be restricted to keep

children healthy as fizzy drinks are not good for children and make them hyperactive.

- Many respondents who agreed and disagreed with the question felt there should be more variety, e.g. fizzy drinks, milkshakes, squash and juices should be allowed.
- Of the respondents that disagreed with this question other reasons provided included that they did not like healthy drinks, that as a compromise unhealthy/fizzy drinks could be permitted for one or more days a week, and that pupils will just bring in their own unhealthy drinks.

Question 5

Do you agree that food given as snacks should have nutritional benefit and be healthy?

Yes	368	No	321	Don't know	147
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The majority of respondents agreed with this question; however, the number of respondents that disagreed was very close showing there were mixed views here.

- Of the respondents that agreed with this question, the typical reasons were: if pupils want an unhealthy snack they can bring it in themselves; schools should not sell unhealthy items as it encourages children to become obese; and when there are a lot of unhealthy snacks it is tempting to eat them.
- Of the respondents that agreed with this question, the typical reasons were that unhealthy snacks should be allowed at least sometimes per week or on special occasions, e.g. Easter; others felt if they have a nutritious lunch they should be able to have an unhealthy snack, while others said they associated the work snack with unhealthy food and would like biscuits, cheese, crisps, chocolate and sweets.
- Of the respondents that chose 'don't know' this was mainly because they felt some snacks sold should be healthy and others unhealthy and then children can decide what they want.

Question 6

Do you think there is anything else we need to think about when making these rules?

Yes	314	No	285	Don't know	229
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Many comments were received, the main ones being the Welsh Government needs to think about:

- children with dietary requirements due to religion; medical conditions; intolerance and vegetarians
- what children actually want; children enjoy unhealthy food
- providing occasional unhealthy food, e.g. on some days per week or as snacks
- it is more expensive for healthier food/snacks
- healthy food can be boring or taste horrible. If food is healthy it needs to be tasty and variety of healthy foods should be offered
- children will bring their own unhealthy food and/or drinks.

Next steps

The Welsh Government will reflect on the responses to this consultation, and consider whether further legislative amendments are required.

Annex A: List of respondents – adults

No.	Individual/Organisation
1	Joerg Thieme
2	Confidential response
3	Dawn Curran
4	Carol-Lesley Brown
5	Helen Woodbury
6	Confidential response
7	Paul Chaplin
8	Confidential response
9	Ysgol Gyfun Bro Morgannwg
10	Mynydd Cynffig Infants School
11	Confidential response
12	Jenner Park Primary School
13	Ashgrove Special School
14	Confidential response
15	Betsi Cadwalladr University Health Board
16	Emma Waters, Aneurin Bevan Health Board
17	Confidential response
18	Marion Clark and Geinor Jones, Hywel Dda Public Health Team
19	Clare Norris and Emma South, Aneurin Bevan Health Board
20	Estyn
21	Governors Wales
22	NUT Cymru
23	Association of Teachers and Lecturers (Cymru)
24	Caerphilly County Borough Council
25	Cardiff Council
26	Carmarthenshire County Council
27	Newport City Council
28	Merthyr Tydfil County Borough Council
29	Ysgol Gymraeg Bro Ogwr
30	Swansea Public Health Team
31	British Dental Association
32	WLGA
33	Rhondda Cynon Taf CB Council
34	Confidential response
35	Children in Wales
36	St Mary's and St Patrick's RC Primary school
37	Welsh Optometric Committee
38	Welsh Scientific Advisory Committee
39	Ysgol Maes y Mynydd
40	Paula Roberts, Denbighshire County Council
41	Ian Kemp, Denbighshire County Council
42	Suzie Lohead, Denbighshire County Council
43	Confidential response
44	Gail, school in Denbighshire
45	Linda, school in Denbighshire

46	Marian/Louise, school in Denbighshire
47	Rhian Owen/Gill Humphreys, school in Denbighshire
48	Janet Duley, school in Denbighshire
49	Irene Edwards, school in Denbighshire
50	Claire Kerrigan, school in Denbighshire
51	Joanne Fairclough, school in Denbighshire
52	Confidential response
53	Anna Brychan, NAHT Cymru
54	Chris Keates, NASUWT Cymru
55	Confidential response
56	Naomi McDonagh, Ceredigion County Council
57	Anna Morgan, Cwm Taf Public Health Team
58	Patricia Mucavele, Children's Food Trust
59	Gwyn Howells, Meat Promotion Wales
60	Maxine Fowler, parent
61	Rodney Berman, British Medical Association (BMA)
62	Eryl Powell, Cardiff and Vale Public Health Team
63	Sian Jenkinson/Lisa Williams, The Wales Dietetic Leadership Advisory Group (WDLAG) and Public Health Dieticians in Wales (PHDiW)
64	Dafydd Aled Williams, Conwy County Borough Council
65	Conwy LA Healthy Eating in Schools PLC plus primary/secondary pupils
66	Jo Grashoff, Mountain Ash Comprehensive School
67	Toni Edwards, LACA
68	Catherine Davies, Croesyceiliog Comprehensive School
69	Tina Donnelly, Royal College of Nursing (RCN) in Wales
70	Paul Williams, Green Gourmet
71	Joanna Lewis, Soil Association/Food for Life Partnership
72	Louise Allen, Food and Drink Federation
73	Karl Bishop, Welsh Dental Committee
74	Jill Paterson, Welsh Nursing and Midwifery Committee (WNMC)
75	Kerry Thomas, Brackla Primary School
76	Judith John, Public Health Wales
77	Louise Kerton, Bridgend CB Council
78	St Robert's Catholic Primary School
79	Claire Thompson, Abertawe Bro Morgannwg UHB Designed to Smile Steering Group
80	Jenny Jones, Aneurin Bevan Gwent Public Health Team/Gwent Obesity Strategy Group
81	Ele Hicks, Diverse Cymru
82	Mrs L Purnell, Corneli Primary School
83	Carole Tyley, Vale of Glamorgan Council
84	Nicola Morris, The Wales Dietetic Association
85	Cath Sheen, Monmouthshire County Council

Annex B: List of respondents – children and young people/schools

No.	Organisation
01–19	Maes Garmon
20	No contact details given
21–68	Griffithstown Primary
69–113	No contact details given
114	Maes y Mynydd Primary
115	No contact details given
116–436	School in Penarth
437–445	Porthcawl Primary
446–474	Pupils at a Welsh Bacc conference in Aberystwyth
475–851	St Richard Gwyn