

EXPLANATORY MEMORANDUM TO
THE EDUCATION (NUTRITIONAL STANDARDS AND REQUIREMENTS FOR
SCHOOL FOOD) (ENGLAND) REGULATIONS 2007

2007 No. 2359

1. This explanatory memorandum has been prepared by the Department for Children, Schools and Families and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

- 2.1 These regulations introduce new nutritional standards for school food that prescribe the types of food and drink that should, and should not, be offered during the school day and define the nutrient content of school lunches.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 None

4. **Legislative Background**

- 4.1 Section 114A of The School Standards and Framework Act 1998 allows regulations to prescribe nutritional standards, or other nutritional requirements, for school food provided to pupils in local authority maintained schools. These regulations are made under this power, and replace the Education (Nutritional Standards for School Lunches) (England) Regulations 2000 and the Education (Nutritional Standards for School Lunches) (England) Regulations 2006. The new regulations require local authorities and school governing bodies to provide pupils with healthier food and drink at lunchtime and other times of the school day, and will reduce the sugar, salt and fat content of the foods provided at lunch time.

- 4.2 The Technical Standards and Regulations Directive (European Commission Directive 98/34/EC2, as amended) is intended to help avoid the creation of new technical barriers to trade within the Community. Under it the Department was required to notify these regulations to the Commission in draft, and then to observe a standstill period of three months before adopting the regulations, in order to allow other member States and the Commission an opportunity to raise concerns about potential barriers to trade. That three-month period expired on 27th July 2007. No concerns were raised.

5. **Extent**

- 5.1 This instrument applies to England.

6. **European Convention on Human Rights**

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- 7.1 Section 114A of The School Standards and Framework Act 1998 allows regulations to prescribe nutritional standards, or other nutritional requirements, for school food provided to pupils in local authority maintained schools.
- 7.2 The new regulations will set stricter standards for both food and drink provided in schools. They will: prohibit the provision of confectionery and salty, fatty and sugary snacks; increase the availability of fruit and vegetables; improve the quality of meat products served; and allow only healthy drinks options to be provided, including a requirement that drinking water is to be freely available. Subject to normal Parliamentary process, the new standards are to begin implementation in schools from September 2007.

The Case for Change

- 7.3 Poor diet can create a real barrier to learning, impacting on the ability of children and young people to concentrate and compounding problems of low-level disruption in schools. In addition, it causes health problems both in the short-term (anaemia, obesity, tooth decay) and longer term (increased risk of some cancers, heart disease, stroke, diabetes and poor bone health).
- 7.4 Statistics from The Annual Health Survey for England 2004 show that levels of obesity for children have risen over the last 10 years. Around one in four 11 to 15 year olds are now considered obese. The number of boys considered obese increased from 14% in 1995 to 24% in 2004. Similarly, the number of obese girls increased from 15% in 1995 to 26% in 2004. Obesity prevalence in boys aged 2 to 10 increased from 10% in 1995 to 16% in 2004 and for girls 10% in 1995 to 11% in 2004 .
- 7.5 Obesity already costs the NHS directly around £1 billion a year and the UK economy a further £2.3 to £2.6 billion in indirect costs. If this present trend continues, by 2010 the annual cost to the economy could be £3.6 billion a year.¹
- 7.6 Research carried out in 2004 by DfES and the Food Standards Agency showed that while schools and caterers responded positively to the current standards, in practice, children and young people continued to make unhealthy choices. Future legislation/regulations will introduce further similar standards to cover all food and drink on school premises from Sept 07 and set further provisions that will require lunches to contain specific essential nutrients from Sept 08 (primary schools and from Sept 09 (secondary schools).
- 7.7 Ongoing concerns about the health and well-being of children and young people led, in 2004, to commitments in the White Paper *Choosing Health: Making healthy choices easier* and the cross-Government *Healthy Living Blueprint for Schools* to reconsider school meals standards.
- 7.8 In March 2005, DfES announced a £235m transitional funding package to support schools and local authorities to transform school meals. Key measures included

¹ *Tackling Child Obesity – First Steps* - Report by the Comptroller and Auditor General, prepared jointly by the Audit Commission, the Healthcare Commission and the National Audit Office: 28 February 2006

establishing the School Meals Review Panel (SMRP), establishing a new NDPB (The School Food Trust) and a role, from September 2005, for Ofsted in monitoring progress

Consultation

7.9 The regulations result from recommendations made by an independent 'School Meals Review Panel'. The Panel's membership included field and academic dietitians and nutritionists, school head teachers, governors, and support staff, along with catering and industry professionals. The recommendations were the subject of a full 12 week public consultation, with 261 responses being received.

7.10 The resulting regulations took into account the views gathered during the consultation, but also considered the need to do more to encourage pupils to make smarter choices in the food that they consume.

Guidance

7.11 The School Food Trust have produced guidance '*Eat Better Do Better – A guide to introducing the Government's new food-based standards for school lunches.*' and '*Eat Better Do Better – A guide to introducing the Government's new food-based standards for all school food other than lunch*'. This guidance can be viewed at www.schoolfoodtrust.org.uk So that all parties involved could have sufficient notice of the proposed new regulations, the guidance on school lunches was first published in June 2006 and revised in April 2007. The guidance on other school food was also published in April 2007. The guidance was sent in hard copy to all Local Authority heads of catering, local co-ordinators of the healthy schools initiative and all catering companies known to be involved in supplying schools; and notice of it with a link to an electronic copy was sent by e-mail to all head teachers, Local Authority Chief Executives, Local Authority Directors of Childrens' Services and other interested parties.

8. Impact

8.1 A Regulatory Impact Assessment is attached to this memorandum. This Regulatory Impact Assessment was previously submitted with the Education (Nutritional Standards for School Lunches) (England) Regulations 2006.

8.2 Impact on the public sector. These new standards may have cost implications for schools and local authorities. There will also be associated costs for catering providers and the food and drink industry. However, the rise in obesity among adults and children and the increased health risks from consuming too much fat, salt and sugar is resulting in far greater costs to the NHS and to the UK economy and therefore needs to be addressed.

9. Contact

Stuart Miller at the Department for Children, Schools and Families Tel: 0207 925 5753 or e-mail: stuart.miller@dcyf.gov.uk can answer any queries regarding the instrument.

REGULATORY IMPACT ASSESSMENT

THE EDUCATION (NUTRITIONAL STANDARDS AND REQUIREMENTS FOR SCHOOL FOOD) (ENGLAND) REGULATIONS 2007

Declaration :

I have read the Regulatory Impact Assessment and I am satisfied that the balance between cost and benefit is the right one in the circumstances.

Signed by the responsible Minister

...K Brennan.....

Date ...9th August 2007.....

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Date : 9th August 2007

Department : Department for Children, Schools and Families

FULL REGULATORY IMPACT ASSESSMENT (RIA)

Title of Proposal:

- a. Development and Implementation of Nutritional Standards for School Lunches and other School Food.

Purpose and intended effect

b. Objectives

- i) To improve the diets and health of English schoolchildren by making it easier for them to choose healthier options at school, thereby helping to reduce the prevalence of diet-related diseases in later life (such as diabetes and coronary heart disease).

c. Background and Rationale for Government Intervention:

- i) Healthier school food may be seen as a merit good. That is a good that is under-consumed by individuals because they fail to realise or chose to ignore the benefits that the good confers on them. In the case of healthier school food, that is school lunches and other school food such as tuck and vending, children have been shown to be inclined to choose non-healthy options. As a result of this, there is a need to intervene and achieve what is known as the 'second-best solution'.
- ii) The reasons for Government intervention can be seen to be based on two principal pillars. Firstly, there is the issue of provision whereby all food that is available to children in schools should be healthy and nutritious. Secondly, there is the issue of choice in that even if healthier food is available children prefer to choose another option of an inferior nutritional composition.
- iii) Following on from the National Nutritional Standards for school lunches reintroduced in April 2001, it has become apparent that these standards are not sufficient to ensure an effective provision of healthier school lunches or to prevent pupils from having access in school to foods high in salt, fat and sugar at other times of the school day.
- iv) More nutritious school food could help to reduce the risk of diet-related health problems such as obesity, cancer, coronary heart disease and diabetes –diseases which are estimated to cost the NHS some £4 billion annually²
- v) The standards at present only require a minimum provision across four major food groups to be available at lunch time, and thus form an absolute basic standard, while failing to encourage children to select combinations

² Morgan, K. 2004. School Meals and Sustainable Food Chains: The Role of Creative Public Procurement. London: The Caroline Walker Trust. Accessed from: www.cwt.org.uk

of foods that contribute to a healthier diet³.

- vi) The Department for Education and Skills (DFES) and the Food Standards Agency (FSA) commissioned King's College London in 2004 to conduct a survey of secondary schools, 'School Meals in Secondary Schools in England'. The results of this survey show that schools have adopted the minimum nutritional standards but not the good practice or underlying philosophy that schools should provide an attractive, nutritionally balanced meal for all pupils who want it. This is of particular concern where school lunch provides the main meal of the day for those pupils eligible for free school meals. The survey also found that even where nutritious food was provided that met the standards, pupils were not always making the healthier choices.
- vii) Secondary schools tend to offer a wider range of choice but, as other research has shown, personal preferences for 'fast foods' on grounds of taste tend to dominate food choice⁴.
- viii) Findings from a sample of secondary schools revealed that chips were the most popular choice for school lunch and many meals consisted solely of chips, despite the fact that alternatives to chips, such as potatoes, rice and pasta, were widely available. Hand-held items such as pizza, pasties and pies and processed meat products such as burgers, sausages and chicken nuggets were also a popular selection⁵.
- ix) For many children, intakes of saturated fats and sugars are high, and intakes of vitamin A, riboflavin, folate, zinc, iron and magnesium, calcium, potassium and iodine are often low, compared with reference nutrient intakes⁶.
- x) The Public Health White Paper 'Choosing Health: Making Healthy Choices Easier', published in November 2004, sets out the key principles for supporting the public to make healthier and more informed choices as regards their health. It explains that the diet of our children contains far too much fat, salt and sugar, and that prevalence of obesity is increasing rapidly⁷.

³ Nelson, M., Bradbury, J., McGee, A. et al. 2004. School Meals in Secondary Schools in England. London: Department for Education and Skills. Accessed from: <http://www.dfes.gov.uk/research/data/uploadfiles.RR557.pdf>

⁴ Thomas, J., Sutcliffe, K., Harden, A., Oakley, A., Oliver, S., Rees, R., Brunton, G. and Kavanagh, J. (2003). Children and Healthy Eating: A systematic review of barriers and facilitators. London: EPPI-Centre.

⁵ Sodexho School Meals Survey 2005 available at www.sodexho.co.uk/segments/survey.htm

⁶ A reference nutrient intake (RNI) is the amount of a nutrient that is likely to meet the requirements of nearly everybody in a group. Department of Health. 1991. Dietary Reference Values for Food Energy and Nutrients for the United Kingdom. London:HMSO.

⁷ Levels of fat as a percentage of food energy in diets have slowly been decreasing, but the average proportion of food energy from saturated fats eaten by children in the most recent national survey (Gregory J., Lowe S., bates C.J., Prentice A., Jackson L.V., Smithers G., Wenlock R., & Farrom M. (2000) National Diet and Nutrition Survey: Young People aged 4-18 years. The Stationery Office, London.). That survey also showed that Non-Milk Extrinsic Sugars (NMES) provided about 17% of food energy in children's diets, compared to a recommended average of 11%. The main source was carbonated soft drinks, followed by chocolate and other confectionery. Salt is the main source of sodium in the diet. An

- xi)** The health risks from too much fat, salt and sugar have been heavily documented and thus action to reduce their consumption, especially by children, is an urgent requirement.
- xii)** The following information outlines what we know about the actual levels of salt, fat and sugar consumption by children.
- xiii)** Current average salt intake: The National Diet and Nutrition Survey (NDNS) of adults⁸ showed that intakes of salt are above the COMA-recommended (Committee on Medical Aspects of Food and Nutrition Policy) levels and increased between 1986-87 and 2000-01 from 10.1 to 11.0 grams/day for men and 7.7 to 8.1 grams/day for women, based on analysis of a 24 hour urine collection. Comparable data for children are not available as the methodology used for the NDNS of young people did not include a 24 hour urine collection. The dietary assessment methods used in the NDNS do not allow quantification of salt used during cooking or at the table, and so the salt intakes given in the table below⁹ are almost certainly underestimates of the actual amounts consumed.

Age (Years)	Male (Estimated Salt grams/day)	Female (Estimated Salt grams/day)
4-6	5.3	4.7
7-10	6.1	5.5
11-14	6.9	5.8
15-18	8.3	5.8

- xiv)** Around 75% of salt in the diet comes from processed foods¹⁰. The FSA carried our further analysis of data from the National Diet and Nutrition Survey¹¹ (NDNS) of young people. This showed that the major

authoritative report (Scientific Advisory Committee on Nutrition (2003) Salt and Health. The Stationery Office, London) recently stated that the latest available data show that habitual levels of salt intake are high for both adults and children. For adults, average intake is two and a half times the reference nutrient intake for sodium. On a body weight basis, the average salt intake of children is higher than that of adults. The British Medical Association (British Medical Association (2005) preventing childhood obesity. BMA, London) says that conservative estimates are that 1 in 5 boys and 1 in 3 girls will be in the obese category by 2020.

⁸ Henderson L, Gregory J, & Swan G. National Diet and Nutrition Survey: adults aged 19 to 64 years. Volume 1: Types and quantities of foods consumed. London: TSO, 2002

Henderson L, Gregory J, Irving K & Swan G. National Diet and Nutrition Survey: adults aged 19 to 64 years. Volume 2: Energy, protein, carbohydrate, fat and alcohol intake. London: TSO, 2003

Henderson L, Irving K, Gregory J, Bates CJ, Prentice A, Perks J, Swan G & Farron M. National Diet and Nutrition Survey: adults aged 19 to 64 years. Volume 3: Vitamin and mineral intake and urinary analytes. London: TSO, 2003

Ruston D, Hoare J, Henderson L, Gregory J, Bates CJ, Prentice A, Birch M, Swan G & Farron M. National Diet and Nutrition Survey: adults aged 19-64 years. Volume 4: Nutritional Status (anthropometry and blood analytes), blood pressure and physical activity. London: TSO, 2004

Hoare J, Henderson L, Bates CJ, Prentice A, Birch M, Swan G, Farron M. National Diet and Nutrition Survey: adults aged 19-64 years. Volume 5: Summary report. London: TSO, 2004

⁹ Scientific Advisory Committee on Nutrition. Salt and Health. London: TSO, 2003

¹⁰ British Nutrition Foundation. Salt in the Diet Briefing paper, 1994.

¹¹ Henderson L, Gregory J, & Swan G. National Diet and Nutrition Survey: adults aged 19-64. Volume 1:

contributors to salt intakes in the diets of children (aged 7-10 years) were similar to those for adults and included white bread, breakfast cereals, savoury snacks, sausages, baked beans and bacon and ham.

- xv) Current average non-milk extrinsic sugar (NMES) intake: Results from the NDNS of young people aged 4 to 18 years show that average intakes of NMES was higher than the recommended level of 11% of food energy intake, at 16.7% for males and 16.4% for females.
- xvi) The main source of NMES were drinks (particularly carbonated drinks which contributed 18% to total intake for males and 16% for females overall and increased significantly with age) and sugars, preserves and confectionery (particularly chocolate confectionery which contributed 12% to total intake for males and females). There is extensive evidence that NMES is the most important dietary factor in the cause of dental caries. Although NMES is not directly related to the development of cardiovascular disease or diabetes, increased consumption could increase the intake of food energy and thus predispose to obesity¹².
- xvii) Current average total fat and saturated fat intake: Current UK recommendations are that the population average intake of total fat should not exceed 35% of food energy. Results from the NDNS of young people aged 4 to 18 years shows that the proportion of energy supplied by total fat was, on average, close to recommended levels for each age and sex group. However, intakes of saturated fatty acids, at around 14%, were higher than the 11% of food energy recommended by COMA.
- xviii) Major contributors to the average intake of saturated fat among young people aged 4 to 18 years were milk and milk products (23% of total intake for males and females), cereals and cereal products (22% of total intake for males and females, just under half of which came from biscuits, buns, cakes and pastries), and meat and meat products (19% of total intake for males, 16% for females). Chocolate confectionery contributed 9% of overall intake for males and females, and savoury snacks contributed 7% of total intake by males and 8% by females.
- xix) A number of health risks are associated with high intakes of salt and saturated fat, and obesity. Heart disease, stroke, joint problems and the commonest form of diabetes (type 2) for example, are direct effects of obesity and overweight. The National Audit Office (NAO) estimated that

Types and quantities of foods consumed. London: TSO, 2002.

Henderson L, Gregory J, Irving K & Swan G. national Diet and Nutrition Survey: adults aged 19-64.

Volume 2: Energy protein, carbohydrate, fat and alcohol intake. London: TSO, 2003.

Henderson L, Irving K, Gregory J, Bates CJ, Prentice A, Perks J, Swan G & Farron M. National Diet and Nutrition Survey: adults aged 19-64. Volume 3: Vitamin and mineral intake and urinary analytes. London: TSO, 2003

Ruston D, Hoare J, Henderson L, Gregory J, Bates CJ, Prentice A, Birch M, Swan G & Farron M.

National Diet and Nutrition Survey: adults aged 19-64. volume 4: Nutritional Status (anthropometry and blood analytes), blood pressure and physical activity. London: TSO, 2004

Hoare J, Henderson L, Bates CJ, Prentice A, Birch M, Swan G, Farron M. National Diet and Nutrition Survey: adults aged 19-64. Volume 5: Summary report. London: TSO, 2004

¹² Department of Health. Dietary Reference Values for Food Energy and Nutrients for the United Kingdom. London: HMSO, 1991. (Report on Health and Social Subjects, No. 41)

in 1998 there were over 30,000 deaths attributable to obesity¹³. The NAO also reported in 2006 that the prevalence of obesity in children aged two to 10 year has increased from 9.6% in 1995 to 13.7% in 2003¹⁴. The prevalence of obesity is rising for both adults and children, and more children are being found to have type 2 diabetes¹⁵. Results from the Health Survey for England (2005)¹⁶ shows that, between 1995 and 2003, the prevalence of obesity among children aged 2 to 10 years rose from 9.9% to 13.7%. COMA consider that high levels of fat intake are implicated in the development of obesity and other associated conditions, such as diabetes, heart disease and some cancers^{17,18}.

- xx) National Institute for Clinical Excellence (NICE) has recently published draft guidelines on the prevention and management of obesity. This recommends that schools consider the implication of all school policies on the ability of children and young people to maintain a healthy weight, eat a healthier diet and be physically active, in line with existing guidance. This includes policies relating to catering provision, including vending and the food children bring into school.
- xxi) A high intake of saturated fat is associated with raised levels of blood cholesterol, a major risk factor for coronary heart disease. Increased blood pressure, or hypertension, is the most common outcome that has been associated with high levels of salt intake, and high blood pressure is a major risk factor in the development of cardiovascular disease. High blood pressure is a cause, or contributing factor, in 170,000 deaths each year in England alone¹⁹. People with high blood pressure are three times more likely to develop heart disease and stroke and twice as likely to die from these diseases as those with normal levels²⁰. In Wales, circulatory diseases (mainly coronary heart disease and stroke) are the commonest form of death responsible for 40% of deaths in 2000 (over 13,400 deaths)²¹.
- xxii) Some studies have shown that there is a link between nutrition and cognitive performance. For example, iron deficiency anaemia leads to shortened attention span, irritability, fatigue, and difficulty with concentration. Consequently, anaemic children tend to do poorly on

¹³ National Audit Office. Tackling Obesity in England. Report by the Comptroller and Auditor General. HC 220 Session 2000-2001: TSO, 2001.

¹⁴ National Audit Office. Tackling Child Obesity – First Steps. TSO 2006.

¹⁵ Report of a working party of the Royal College of Physicians, Royal College of Paediatrics and Child Health and the Faculty of Public Health Medicine. Storing Up Problems: The Medical Case for a Slimmer Nation. Royal College of Physicians, 2004

¹⁶ Office for National Statistics. Obesity Among Children Under 11, 2005

(at

www.dh.gov.uk/PublicationsAndStatistics/PublishedSurvey/HealthSurveyForEngland/HealthSurveyResults/fs/en). The report uses the UK National Body Mass Index (BMI) percentile classification to describe childhood overweight and obesity among children aged 2-10.

¹⁷ Department of Health. Dietary Reference Values for Food Energy and Nutrients for the United Kingdom. London: HMSO, 1991. (Report on Health and Social Subjects, No. 41)

¹⁸ Department of Health. Nutritional Aspects of Cardiovascular Disease. London: HMSO, 1994. (Report on Health and Social Subjects, No. 46)

¹⁹ Scientific Advisory Committee on Nutrition. Salt and Health. London: TSO, 2003

²⁰ Department of Health. The Annual Report of the Chief Medical Officer of the Department of Health, 2001

²¹ National Assembly for Wales. Health in Wales, Chief Medical Officer's Report 2001/2002

vocabulary, reading, and other tests²². Even moderate under-nutrition (inadequate or sub-optimal nutrient intake) can have lasting effects and compromise cognitive development and school performance²³.

- xxiii) Voluntary TNS (target nutrient specifications) have been developed for the maximum levels of total fat, saturated fat, total sugars and salt in a range of manufactured foods used in school meals. These have been designed to help procurers and caterers of school meals meet nutrient based standards, and provide a benchmark for manufacturers reviewing product ranges or considering reformulation.
- xxiv) In March 2005, the government announced a package of measures to improve school meals. Following this announcement, the School Meals Review Panel (SMRP) was set up to advise government on how best to meet it's commitment in the Public Health White Paper to improve school food through the revision of school meal standards. A list of the members of the SMRP is attached at Appendix i. In October 2005, the SMRP report was published, and within its 35 recommendations, the recommendation was for school lunch provision to meet 14 nutrient standards (similar to Caroline Walker Trust recommendations) and 9 food-based standards (to maximise access to healthier foods and remove the availability of less healthy foods). An executive summary of the report and its recommendations is attached at Appendix ii.
- xxv) The SMRP also took the view that the work done to improve the food eaten at lunchtime should not be undermined by food which is available in school at other times of the day; and a further recommendation of the SMRP was that standards similar to those for lunches should be applied to other school food. The DfES agreed and the School Food Trust (SFT) was commissioned by the Secretary of State for Education and Skills to consider and advise on the standards which should apply to food and drink other than lunches. A list of the board members of the SFT is attached at Appendix iii. The SFT have now completed their considerations and have made their recommendations on the standards which should apply.
- xxvi) The SFT recommend a set of mandatory standards which should apply to all food sold in schools throughout the day, and examined three groups of non-lunch food provision in schools: mid-morning break services provided by caterers; breakfast and after school meals; and vending and tuck shops.
- xxvii) The recommendation is for those mandatory standards to apply to all three groups. The SFT also recommends that only food based standards should be applied to school food other than school lunches. They advise that it would be inappropriate to set standards expressed in nutrient terms for food services for the whole school day.
- xxviii) It is proposed to take forward the nutritional standards for all school food

²² Parker, L. The relationship between nutrition and learning: a school employee's guide to information and action. Washington: National Education Association, 1989.

²³ Center on Hunger, Poverty and Nutrition Policy. Statement on the Link between Nutrition and Cognitive Development in Children. Medford, MA: Tufts University School of Nutrition 1995.

within a set of regulations. Interim standards for school lunch will be set in regulation in September 2006 using existing power laid down in section 114 of SSF Act 1998. New powers to make regulations for nutrient-based standards for school lunch and food-based standards for other school food are contained in the Education and Inspections Bill which is currently before Parliament. Subject to Royal Assent for that Bill a single set of regulations will then be made covering food-based standards for school lunches; nutrient-based standards for school lunches; and school food other than school lunch. This RIA deals with all three sets of standards in the attached Annexes A, B and C.

Consultation

d. External

- i)** In March 2005, DfES carried out a short consultation, which asked a diverse range of organisations, including PCTs, food and catering industry, County Councils and health and diet groups, for their opinions on school food. Eighty-nine responses were received, with the majority of respondents welcoming the Government's commitment to draw up new standards on school food. Many thought that making the provision of healthier menus and good nutrition standard practice in schools, and measuring them against this standard, would also be an effective measure. Most said nutritional quality could be improved by formally monitoring locally and nationally what catering companies were providing. Some respondents thought legislation was needed which required national standards to be met and protected.
- ii)** A full public consultation, ending on 31 December 2005, was conducted on the recommendations of the SMRP, to which 261 responses were received. Respondee were from a variety of backgrounds including, schools, Local Authorities, Food Manufacturers, School Caterers, Health Organisations and Nutritionists/Dieticians.
- iii)** For the standards for non-lunch food and drink the SFT established a Committee to oversee the work. Six members of the Trust served on the Committee and, to provide continuity, all members of the SMRP were invited to participate in the evidence taking sessions and early consideration of the way forward. The Committee received considerable co-operation from witnesses from industry, trade associations and voluntary organisations.
- iv)** As an extension of the main consultation on the SMRP recommendations, a smaller, four week consultation, ending on 30 March 2006, was conducted with key stakeholders on the recommendations of the SFT for standards for food and drink other than school lunches. There were 203 responses, 55 from the key stakeholders specifically asked to respond. These included the main food and drink organisations, individual food and drink companies and catering companies, teacher unions and health organisations.
- v)** Officials from DfES have also met with numerous representatives from

the food and drink industry.

e. Internal

- i) In 2004, The Department of Health (DH), The Department for Environment, Food and Rural Affairs (DEFRA) and the FSA worked together with DfES to produce the Healthy Living Blueprint document. The Blueprint set out a number of cross Government commitments to improve the lifestyle of pupils, including: the revision of school meal standards; new guidance to help schools procure healthier school meals; and better training and support for school catering staff. DH, FSA, DEFRA and DfES jointly funded the school meal related projects.
- ii) Officials from DH, FSA, The Scottish Executive and DfES attended SMRP meetings as observers. In addition, DEFRA and The Welsh Assembly received copies of documents produced for, and by, the SMRP. DfES, DEFRA, FSA and DH have all had an opportunity to consider the recommendations of the SMRP, prior to publication.

Enforcement, sanctions and monitoring

- f. The main approach to external monitoring is through school inspections carried out by Ofsted. Ofsted will expect schools to present evidence about their general approach to food and healthy eating as well as more specifically about the standard of school lunch. Ofsted will routinely comment on the quality of school meals and will report on any issues which arise out of the school's self assessment or as a result of their inspection visit.
- g. In addition, Ofsted plan to undertake a separate programme of thematic inspections accompanied by nutritionists and using a smaller sample of schools. This will allow more detailed reporting on the standard of food provided and consumed in schools.
- h. There will be a comprehensive initial round of Joint Area Reviews (JARs), covering every children's services authority area in England, between September 2005 and December 2008. JARs make 36 key judgements on services for children and young people, and 4 key judgements on service management. School food will be covered as part of the five outcomes of the Every Child Matters agenda.
- i. Parental pressure will also be a powerful driver of change for schools and many parents will inevitably act as close monitors of whether schools are meeting the standards.
- j. The ultimate sanction, once the standards are in force, will be the Secretary of State's power under Section 496/497 of the Education Act 1996 to issue a direction to any school which is not meeting the standards.

Implementation and delivery plan

- k. Interim standards for school lunch will be set in regulation in September 2006 using existing power laid down in the School Standards and Framework Act 1998. New powers to make regulations for standards for school lunch and for

other school food are contained in the Education and Inspections Bill which is currently before Parliament. Subject to Royal Assent for that Bill, a single set of regulations will then be made covering food-based standards for school lunches; nutrient-based standards for school lunches; and school food other than school lunch.

1. The timetable for implementing the standards is as follows:

September 2006 – Food-based standards in place for school lunches;

September 2007 – Standards in place for other school food;

September 2008 – Nutrient-based standards in place for primary schools;

September 2009 – Nutrient-based standards in place for secondary schools.

Post-implementation review

- m. It will be essential to evaluate the success of the school food programme and we are currently considering how that can best be achieved.
- n. Research has already been undertaken on school meals arrangements in primary and secondary schools. Further data collection on local arrangements is also being undertaken by the School Food Trust. This will help to establish a baseline for our evaluation.
- o. Other key factors that will help determine the process of the evaluation and its focus will be the role and remit of our key delivery partner, the School Food Trust, and the final standards that will apply to school food both lunch and other food for example, vending and tuck shops.
- p. The role of the Trust has now been agreed and is reflected in their Corporate Plan that has now been approved by Ministers. We are about to discuss with the Trust the scope for developing a single, annual national comprehensive data set on school food arrangements.

Summary and recommendation

- q. The Government strongly recommends **Option 3** for the food-based standards for school lunches as set out in Annex A and **Option 3** for the nutrient-based standards for school lunches as set out in Annex B. The Government also strongly recommends **Option 3** for the standards for other school food as set out in Annex C.
- r. On that basis, new more stringent interim standards would apply to school lunches from September 2006 with nutrient-based standards for school lunches coming into effect in September 2008 for primary schools and September 2009 for secondary schools. In parallel, new standards would come into force in September 2007 for other school food, including restrictions on what can be sold in school vending machines and tuck shops.
- s. These new standards may have cost implications for schools and local authorities. There will also be associated costs for catering providers and the food and drink

industry, particularly in adopting new standards for other school food. This is why we recommend delaying the implementation of standards for other school food until September 2007 to allow industry and schools more time to prepare. However, the rise in obesity among adults and children and the increased health risks from consuming too much fat, salt and sugar is resulting in far greater costs to the NHS and to the UK economy and therefore needs to be addressed.

- t. Eating habits are often set early in life and can have a significant effect on health later on. Infancy, childhood and young adulthood are critical stages in the development of eating behaviours that will affect people's health in later life. Setting food standards for school lunches and other food provided in school will be central in influencing the choices children make and their future eating habits.

Ministerial Recommendation

I have read the Regulatory Impact assessment and I am satisfied that the benefits justify the costs.

.....Date.....

Membership of the School Meals Review Panel

CHAIR

Suzi Leather

MEMBERS

Beverley Baker	Local Authority Caterers' Association
Gina Birley	School Governor, St Martin in the Fields School
Gaynor Bussell	Food and Drink Federation
David Butler	National Confederation of Parent Teacher Associations
Judy Buttriss	British Nutrition Foundation
John Caperon	Former Headteacher, Bennett Memorial Diocesan School, Tunbridge Wells; Secondary Heads Association
Helen Crawley	Caroline Walker Trust
Sue Davies	Chief Policy Adviser, Which?
Paul Dornan	Child Poverty Action Group
Alasdair Friend	Headteacher, Thomas Fairchild Community School
Joe Harvey	Health Education Trust
Paul Kelly	Compass Group Plc
Christine Lewis	National Officer, UNISON
David Lucas	School Catering Manager
Joan McVittie	Head teacher, Leytonstone School
Peter Melchett	Soil Association
Sylvia Morris	Headteacher, Cathedral School of St Saviour and St Mary Overie
Mike Nelson	Kings College, London
Jenny Poulter	Independent Public Health Nutritionist
Mike Rayner	University of Oxford, Department of Public Health
Keith Sorrell	Headteacher, Windsor High School
Eileen Steinbock	Brakes
Lynn Stockley	Independent Public Health Nutritionist
Sheila Walker	Birmingham City Council
Carol Weir	British Dietetic Association

OBSERVERS

Hannah Booth	Department of Health
Jamie Blackshaw	Food Standards Agency
Louis Levy	Food Standards Agency
Roger Hinds	DEFRA
Stuart Miller	Department for Education and Skills
Penny Jones	Department for Education and Skills

GROUP SECRETARIAT

Catherine Evans	Department for Education and Skills
Carol MacMillan	Department for Education and Skills
Debra Toomey	Department for Education and Skills

Executive Summary of School Meals Review Panel Report

Context

1. The health advantages of well-cooked, well-presented meals, made from good-quality ingredients to accepted nutritional standards, by school caterers who are confident in their skills and valued by the school community, are inestimable. The benefits of good school meals go beyond high quality catering. They also produce social, educational and economic advantages.

The Panel repeatedly heard head teachers and others from schools where food had already been improved speak of associated improvements in behaviour: of calmer, better behaved children, more ready to learn. Improving food in schools may contribute to improved attainment and behaviour.

School children of all ages should look forward to and enjoy their school meals, should learn about where their food comes from, and also take an interest in how it is produced. Improved food knowledge should include practical cooking skills so that children and young people who are now at school can, in their turn, look after themselves and their own families in a way which meets their health needs and their food preferences, enhancing their self esteem and self confidence. Transforming school food is as much about these aspects as about nutritional standards.

What children receive at home will always be more important than what they eat at school. But the school is crucial for modelling healthier choices and schools are a vital setting. Whilst they can help children learn and establish healthy eating patterns which will last for life, they can also introduce and reinforce habits which will slowly but surely erode children's health.

Children fed a monotonous diet of poor quality, predominantly processed food do not thrive. The statistics are striking. In 2002, 22% of boys and 28% of girls aged between 2-15 years were overweight or obese^{24,25} and these figures are continuing to worsen. It is estimated that obesity already costs the NHS directly around £1 billion per year²⁶ and the UK economy a further £2.3 to £2.6 billion pounds in indirect costs.²⁷ It has been estimated that, if the present trend continues, by 2010 the annual cost to the economy would be £3.6 billion pounds a year. Conservative estimates suggest that one third of girls and one fifth of boys will be obese by 2010²⁸ – and many more will be overweight. The risks of this happening are greater in lower income households²⁹. We have yet to witness the full implications of the obesity epidemic in children. The chronic disease consequences come later – particularly diabetes, heart disease and many cancers³⁰. The stark reality is that this generation of children faces the prospect of more ill-health and disability during their lifetimes unless radical steps are taken now.

²⁴ Health Survey for England, 2002

²⁵ RCPCH, RCGP and RIPH, 2004 Storing up the problems

²⁶ Health Select Committee report on obesity 2004

²⁷ House of Commons Health Committee, Third Report of 2003-04

²⁸ BMA, 2005 Preventing childhood obesity

²⁹ Jotangia D., Moody A., Stamatakis E. & Wardle H. (2005) Obesity among children under 11. Joint Health Surveys Unit/National Statistics.

³⁰ World Health Organisation (2003) Diet, Nutrition and the Prevention of Chronic Diseases. World Health Organisation, Geneva.

There is no doubt that what children eat and the level of their activity³¹ are at the core of the problem, yet survey after survey continues to highlight school children's poor eating habits³². They are "grazing" on foods which are high in fat (particularly saturated fat), sugar and salt, yet shunning the very foods their bodies need for good health, such as fruit and vegetables.

The current crisis in school food is the result of years of public policy failure. Financial pressures and the fragmentation of school catering, together with a lack of strict standards, have resulted in the type of school meal we see too often today. The Panel is delighted that the Government has recognised the crucial importance of healthier school food. There is also now a groundswell of public opinion that we need to improve the quality of school food. This represents the best opportunity to upgrade the quality of food in schools since regulations were removed in 1980³³

It is clear that schools can transform the food they offer to children. Many have already begun to do so. There is now an opportunity to ensure that every child has access to healthier school meals. This is an exciting, yet complex challenge: to transform school meal provision in over 20,000 schools. Responding to this challenge must involve the whole school community, the food industry and school meal providers.

It is within this context that the School Meals Review Panel was asked by the Secretary of State for Education to review existing standards and make recommendations to Government.

We believe our recommendations will lead to the consumption of healthier combinations of lunchtime foods by primary and secondary school children. This improved quality will clearly mean some increased costs; but these costs should be set against the health and other benefits. Redressing the imbalance in children's diets will contribute towards a reduction in obesity and diseases like tooth decay in young people. In the longer term, the changes we recommend now should reduce the chances of young people suffering from various chronic diseases later in life. But more than that, new standards can set the scene for holistic changes in the way young people perceive food and health, and can pave the way for wider changes in our food culture.

The Report

This report summarises the deliberations and presents the recommendations of the Panel. This multi-disciplinary expert group included headteachers, governors, school caterers, trade unions, people with practical experience in implementing healthy eating initiatives in schools, registered dietitians and nutritionists, public health experts, consumer and environmental group representatives, parents and representatives of the food industry. This report represents a collation of views and ideas from a wide range of people and interest groups: whilst not achieving unanimity on every matter, the report should be seen as a consensus view of the majority of members.

During the course of our work we considered evidence from a variety of sources including published scientific studies, evaluative projects and lessons learnt from schools and local authorities which have taken innovative steps to improve their school meals.

The core recommendation made is for school lunch provision (in both primary and secondary

³¹ The Public Service Agreement target on PE and school sport is: "Enhance the take-up of sporting opportunities by 5-16 year olds by increasing the percentage of school children who spend a minimum of two hours each week on high quality PE and school sport within and beyond the curriculum from 25% in 2002 to 75% by 2006. Joint Target with DCMS." Public Service Agreement White Paper, 2002 Spending Review

³² Gregory J., Lowe S., Bates C.J., Prentice A., Jackson L.V., Smithers G., Wenlock R. & Farron M. (2000) National Diet and Nutrition survey: Young People aged 4-18 years. The Stationery Office., London.

³³ See Paragraph 1.8

schools) to meet:

14 nutrient standards which are very similar to those released by the Caroline Walker Trust³⁴

9 food-based standards which maximise access to healthier foods (like fruit, vegetables and bread) and remove the availability of less healthy foods (like confectionery, pre-packaged savoury snacks and high-sugar or sweetened fizzy drinks).

In formulating these standards we considered children's needs across a broad spectrum: physical, social and educational. We paid attention not only to purely nutritional requirements but also to the wider issues: what children learn about preparing food themselves; lifelong cooking skills; the social benefits of sitting down to a shared meal; and the importance of an approach which is environmentally sustainable. As a consequence the report also contains 34 broader recommendations to promote coherent, "joined-up" thinking about healthy eating across the school day and to support schools and caterers in meeting these new standards.

Delivering Change

Experiences drawn from schools indicate that the standards recommended within this report are achievable. We acknowledge that they are challenging, particularly in secondary schools which presently offer a very wide range of food choices. The sample menus included in this report illustrate the level of change which schools will need to work towards. We have recommended a phased introduction of the standards, with essentially the food standards met by schools by September 2006, and then the nutrient standards met fully in all primary schools by September 2008 and in all secondary schools by September 2009.

A common thread in achieving change is controlling the range of choice, and we clearly and firmly advocate this. The new School Meals Review Panel (SMRP) standards are designed to drive the replacement of foods consumed at lunchtime which are low in nutritional value with foods which support children's health.

The Panel therefore agreed that confectionery, pre-packaged savoury snacks and high-sugar or sweetened fizzy drinks have no place in school lunch provision and other school food outlets³⁵. The standards for these foods and drinks are proposed as a statutory requirement of school lunch provision. In addition, we were very clear that, with appropriate modifications, they should be applied to other food outlets within the school and reflected in school policies for food brought into school. We concluded that it is by constructively controlling choice that we will widen children's food experiences. A greater variety of foods will help children to a healthier future.

This principle of 'choice control' has been shown to be effective not only for school lunches, but also in promoting healthier eating from other food outlets within schools. Successful 'healthy vending' projects in schools have already demonstrated that this can be done, particularly with the advent of refrigerated vending machines which enable a wider range of options such as sandwiches, fresh fruit, juices and milk to be made available to children in school.

Working Together

³⁴ Crawley H. (2005) Eating well at school: Nutritional and practical guidelines. Caroline Walker Trust, London.

³⁵ The panel accepts that low salt and fat savoury snacks would be suitable for vending.

The implications of these SMRP standards and recommendations are far reaching. They will require people to work together in partnerships.

Examples of successful school food improvement underline the importance of school leadership and a partnership approach, from pupil participation at school level right through to local authority strategic level. Transforming school food is as much about people, skills and commitment as it is about nutrients and ingredients. Implementing the new SMRP standards will mean changes for all. Caterers will need to change their recipes and cooking practices; kitchen staff will need more time to prepare meals; local authorities, governors and school heads will need to prioritise food; parents and carers will need to support the changes; children themselves will need to choose the new options. In short, it will require a whole-school approach. The examples of successful transformations which have already been achieved have depended on all these elements being in place.

The transformation of school food should also create jobs. The use of more fresh, locally produced and unprocessed food will require more kitchen staff working more hours, and will have wider benefits to local economies. This must be expected and built in to workforce planning. All staff will require training. Since so few real cooking skills have been required of many kitchen staff in recent years it will also be necessary to train many school catering staff in new techniques and skills, and to give help with menu design and procurement planning. Resources devoted to this must be a priority.

Financial Implications

The additional cost to local authorities, schools and parents and carers of implementing our recommendations over a three-year transition period is in the order of £167m in the first year and £159m in subsequent years. These figures are the best estimates we can make using the currently available information, and the time available to us, and they assume no increase in uptake or efficiency savings. They provide a very useful indication of the level of additional money that needs to be levered into the school meals service. In March 2005 the Department for Education and Skills (DfES) committed transitional funding of £220m over three-years to support a transformation of school meals by local authorities.

We estimate that over two-thirds of the estimated additional costs will go towards food on the plate and will bring expenditure on ingredients into line with the Caroline Walker Trust (CWT) recommendations. The Panel recognised that steep increases in prices to parents and carers could lead to a decrease in uptake. This could even call into question the viability of the school meals service in some areas. We are also concerned about the impact of any price increases on low-income families who sit just above the threshold for Free School Meal (FSM) entitlement. We urge the Secretary of State to take note of our concerns and investigate options for mitigating these risks.

Conclusion

It is time to reverse the regrettable move away from high quality standards of school food. It is time to 'turn the tables'. We believe our recommendations will lead to the consumption of healthier combinations of lunchtime foods by primary and secondary school children. This in turn will contribute towards a reduction in obesity and in the longer term reduce the chances of our young people suffering from various chronic diseases later in life. We also believe that there will be educational gains for schools and children. Further, the changes in school food which we recommend should help bring about a healthier food culture, in which young people and adults enjoy the experience of eating healthy, nutritious food together. We commend our report to the

Secretary of State and to the wider public.

SMRP Recommendations

The standards

Recommendation 1: The nutrient and food and drink standards proposed in this Report should be adopted and applied to the provision of school lunches.

Recommendation 2: Food provided at lunchtime in schools should meet the combination of nutrient and food-based standards over a period of five consecutive school days.

Recommendation 3: Schools should aspire to achieve the highest quality of provision, which is a hot meal, cooked on-site, from fresh and seasonal ingredients. Whilst we accept that this level of provision is not possible to achieve in all schools at present, we recommend that schools work towards this.

Recommendation 4: At present only the school lunch standards are statutory. The Panel recommends that pre-school and children in other settings, should be similarly protected. It recommends that the Government, as a priority, supplements these lunch standards with standards for other food and drink service provision: break-time snacks, breakfast and after school clubs.

Recommendation 5: The panel recommends to schools that, from September 2006, the food standards (Table 2) be applied to lunch time and that similar standards for 'processed foods'; 'confectionery and savoury snacks'; and 'drinks' be applied to tuck shops, vending and other similar food services. The panel recognises that meeting the voluntary Target Nutrient Specifications for processed foods will require some product development and therefore may take longer.

Recommendation 6: School caterers should ensure that choice is available for all children right through to the end of lunchtime service in order that children eating later in the food service are not disadvantaged.

Recommendation 7: There should be easy access to free, fresh, chilled drinking water throughout the school day.

Recommendation 8: The procurement of food served in schools should be consistent with sustainable development principles and schools and caterers should look to local farmers and suppliers for their produce where possible, tempered by a need for menus to meet the new nutritional standards and be acceptable in schools.

Recommendation 9: The standards should be reviewed in 2011. At this time the standards should be applied to food consumption as well as food provision.

Recommendation 10: The Department for Education and Skills (DfES) should encourage schools to adopt the voluntary target nutrient specifications circulated for consultation by the Food Standards Agency.

Delivering Change

Catering:

Recommendation 11: Schools and caterers should conduct a needs analysis (skills, equipment, preparation time) and train all relevant staff (including catering staff and midday supervisors) to ensure they are able to support pupils in making healthy choices.

Recommendation 12: Catering staff need to be central to the whole school approach. Their practical skills should be valued and utilised to the full, and they should be represented on groups like School Nutrition Action Groups.

Schools:

Recommendation 13: All schools should audit their current food service and curriculum, and develop, implement and publish a whole-school food and nutrition policy. The Panel recommends that schools' whole-school food policies should be made available to parents and carers and be referred to in the school prospectus and school profile.

Recommendation 14: All children should be taught food preparation and practical cooking skills in school in the context of healthy eating. Far more emphasis should be placed on practical cooking skills within the curriculum space currently devoted to Food Technology, and the KS3 review should consider this.

Recommendation 15: Supply links between local producers and schools should be strengthened, with improvements to children's knowledge about growing and cooking food. Schools should be encouraged to visit farms, ideally where some of their food is produced.

Recommendation 16: Whole-school food policies, developed through partnerships, should include consideration of the impact of packed lunches and food brought into school. However, where parents and carers wish to continue with packed lunches, guidance is available from the Food Standards Agency.

Getting started

Recommendation 17: The introduction of the new standards should be phased in over a period of time to allow the necessary preparation. Implementation will be more difficult in some schools (e.g. where there is a cash-cafeteria food service). The new standards should be fully achieved as soon as possible, and at the latest, for all primary schools by September 2008 and for all secondary schools by September 2009.

Recommendation 18: Schools and local authorities should aim for complete take-up of free school meal entitlement; and schools should aim to have at least 10% increase in school meals take-up by the end of the implementation period.

Recommendation 19: Further tools and guidance need to be developed, tested, and made available as early in the implementation process as possible. The DfES should take the lead on this.

Recommendation 20: The Food Standards Agency (FSA) should make its food composition data, including any relating to non-milk extrinsic sugars, widely available in an electronic

format. This will provide information on foods and nutrients contained in the standards, expressed using analytical or calculation methods which reflect the needs of the standards.

Financial investment

Recommendation 21: The Secretary of State should take note of our concerns that low income families may be adversely affected by price increases, and investigate options for mitigating possible nutritional and economic risks.

Recommendation 22: Schools and local authorities must improve transparency and accountability in relation to how much they spend on school meals, including food cost per meal; uptake; free school meal numbers; nature of service; level of any subsidy; and any surplus generated by the service and how it is spent. This information should be presented in the whole-school food policy.

Recommendation 23: There should be no further degradation of service or provision by individual schools or local authorities from the current position, and kitchens should be a priority under 'Building Schools for the Future'. The DfES should undertake further work to consider the options for schools which no longer have their own kitchens. Schools and local authorities should be encouraged to reach the highest standards of provision and kitchens should be a priority in all schools' capital investment programmes.

Recommendation 24: Guidance on formulaic funding delivered to local authorities and schools should prioritise the renovation and refurbishment of kitchens and dining facilities.

Recommendation 25: The Government needs to ensure that current Private Finance Initiative (PFI) contracts and 'Building Schools for the Future' (BSF) initiatives do not impose barriers to the improvement of school food and also ensure that in future all school PFIs incorporate building specifications which enable the main meal to be cooked on the premises and practical cooking skills to be taught to all pupils. The Government should require all partners in PFI deals to be bound by the new standards. The existence of long-term contracts cannot be allowed to adversely affect the health of pupils in PFI schools.

Recommendation 26: The Panel suggests that kitchens and dining areas should be given priority within primary capital investment.

Recommendation 27: The economic costs of the changes should be modelled against the economic benefits. For example the benefits include: sourcing more food from local suppliers will benefit local economies and cut down transport and infrastructure costs; using more fresh ingredients will require longer kitchen assistant hours and this will benefit catering staff; the possible link between better nutrition, educational attainment and associated life-time earnings gain.

Recommendation 28: DfES has asked all local authorities to revise their asset management plan data by the end of this year. This information should show-up deficiencies in kitchen and dining areas but will not, due to timing, reflect then standards and approach recommended in this report. We recommend that DfES should (i) consider what further work needs to be done to supplement the information gathered from current activity; (ii) use this information to ensure that kitchen and dining areas are a priority in capital spending programmes; and (iii) ensure that all future asset planning takes the new SMRP standards and approach fully into account.

Recommendation 29: In line with the Government's expectation that the transformation of school meals should be led by local authorities, we recommend that local level discussions recognise the desirability of phased – as opposed to sudden - price increases.

Recommendation 30: The Government should make school meals a priority during the Comprehensive Spending Review 2007.

Monitoring and Evaluation

Recommendation 31: At appropriate intervals (eg. of 4 years) a nationwide evaluation of school food provision should be commissioned by DfES, to assess the types of foods and drinks available, their uptake and nutrient contribution to the overall diet. The evaluation should pay particular attention to provision for children who are nutritionally at risk. This evaluation should be timed for completion before the review of the standards in 2011.

Recommendation 32: The main approach to external monitoring and evaluation should be through the regular inspections carried out by Ofsted. This should be supported by evidence gathered from the in-depth inspections of a sample of schools carried out by HM Inspectors, supported by nutritionists. The Panel recommends further work should be conducted by Ofsted and DfES to use the pilot inspections planned for November 2005 to develop the methodology and a rigorous set of tools to support those inspections.

Recommendation 33: A checklist should be developed, as part of the package of further tools and guidance. It should be piloted to ensure it is effective in bringing about change and supporting implementation of the nutrient and food standards.

Recommendation 34: Local authorities should be required to collect and report annually on progress in achieving healthy school standards, provision and uptake of all (including free) school lunches, and steps being taken to work towards the achievement of school lunch standards e.g. use of nutrition software, checklists, smartcards, incorporation of standards in contracts. The DfES should collect and collate this data to provide a national overview of progress.

Recommendation 35: The School Food Trust should hold a database of standards compliant menus for schools to use at their discretion; and standard analysis services which would support schools in providing and analysing their own meals service.

Membership of the Board of the School Food Trust

Chair

Suzi Leather, also Chair of the Human Fertilisation and Embryology Authority

Members

Beverley Baker, Head of Commercial Services for Surrey County Council

Frances Crook, Director of the Howard League for Penal Reform

John Dyson, adviser to the British Hospitality Association on all food and technical matters

Andrew Gillard, Programme Area Manager at Peterborough Regional College

Julian Hunt, Editor of The Grocer and a school governor

Maggie Jones, Director of Policy and Public Affairs at UNISON

Paul Kelly, corporate Affairs Director for Compass Group PLC

Carmell McConnell, founder of Magic Breakfast

Kristina Murrin, founder of What If!

Sir John Oldham, head of the National Primary Care Development Team

Jeanette Orrey, school meals policy adviser for the Soil Association

Rob Rees, interim Board member of the School Food Trust, former restaurateur, chef and adviser

Sir Tom Shebbeare, Director of Charities to HRH the Prince of Wales

Sheila Walker, Head of Catering Services at Birmingham City Council

Ian Wasson, general manager of Devon Direct Services and former chair of LACA

Adviser to the Trust

Michael Holmes QBE, national spokesman on healthy eating and public sector procurement for the National Farmers Union

ANNEX A

DEVELOPMENT AND IMPLEMENTATION OF FOOD-BASED STANDARDS FOR SCHOOL LUNCHES

1. Title of Proposal

- a. Development and Implementation of Food-Based Standards for School Lunches.

Purpose and intended effect

b. Objectives

- i) To improve the diets and health of English schoolchildren by making it easier for them to choose healthier options at school, thereby helping to reduce the prevalence of diet-related diseases in later life (such as diabetes and coronary heart disease).

c. Background and Rationale for Government Intervention:

- i) Healthier school lunches may be seen as a merit good -that is a good that is under-consumed by individuals because they fail to realise or chose to ignore the benefits that the good confers on them. In the case of healthier school meals, children have been shown to be inclined to choose a non-healthy option. As a result of this market failure there is a need to intervene and achieve what is known as the 'second-best solution'.
- ii) The SMRP report, Turning the Tables, contained 35 recommendations relating to the provision of school meals. One of the core recommendations was for school lunch provision to meet 9 food-based standards (to maximise access to healthier foods and remove the availability of less healthy foods).
- iii) A table setting out the proposed 9 food-based standards is at Appendix i.

Options

- d. We have identified four broad options:
 - Do nothing
 - Voluntary approach encouraging schools and caterers to comply with the food and drink standards proposed by the SMRP with regard to school lunches.
 - Full implementation of the SMRP recommendations on food standards through legislation, with some variations, by September 2006.
 - The full implementation of all the SMRP recommendations on food standards by September 2006 through legislation.
- e. **The 'do nothing option'**

This would mean not taking any action to change the standards for school lunches. The existing standards for school lunches would remain in force and the

quality of school lunches would be driven by other factors, such as consumer demand and cost. Consequently, without any proactive initiatives by Government, it is likely that any change in food standards would take longer and would not be consistent across the whole sector.

f. Voluntary approach

'Schools and caterers would be encouraged to adopt voluntary TNS for manufactured products. Use of products that meet the TNS would help caterers in meeting wider nutrient based school meal standards. However, there would be no obligation for either schools or caterers to comply with the standards.

g. Full implementation of the SMRP recommendations on food standards through legislation, with some variations, from September 2006

The food standards recommended by the SMRP would be implemented, however the following variations and clarifications would be included:

- 'Unrestricted' would be dropped from the requirement on the availability of bread.
- A more precise definition of "meat slurry", based upon definitions of mechanically recovered/separated meat would become applicable in the food standards.
- Frozen vegetables would also be acceptable.
- There would no longer be a requirement for all menu choices to be maintained until the end of the service. Instead this would be replaced with the requirement that there should be sufficient food available until the end of the lunch service to enable children to choose a healthy and well balanced meal.
- Water that is made available would be preferably chilled but this would not be a requirement and mains water could be used.
- Condiments would be restricted to sachets.

h. Implementation of all the recommendations of the SMRP on food standards through legislation by September 2006.

This option entails the full implementation through legislation of the recommendations of the SMRP on food standards without the variations listed at g.

Costs and benefits

Sectors and groups affected

Costs

Benefits

Sectors and groups affected

- i. An improvement in school lunches, would clearly be of direct benefit to schoolchildren. In addition, this work would form an integral part of the Government's National Healthy Schools Programme in England.
- j. Other key sectors and groups, which would be affected, include the food industry (namely the manufacturers, suppliers and caterers involved in the provision of school lunches) and those who procure school lunches (e.g. some local authorities, and schools themselves).
- k. We do not consider that the setting of food-based standards for food used in school lunches, or the options to drive this initiative forward, would have any disproportionate adverse impacts on, or disadvantage to, any particular racial or social group as distinct from its impact on industry.
- l. School lunches may be relatively more important in nutritional terms for disadvantaged children, especially those on free school meals, and therefore they may benefit disproportionately from the proposed action.
- m. There will also be an impact on parents through the improved health of their children and possibly a carry over of healthier eating from the school to the home.
- n. We have also considered the impact of these measures on rural populations and consider that they will not have a different or disproportionate impact on people living in rural areas. However, the sustainable development principles quoted in the SMRP Report and the recommendation that schools and caterers should look to local farmers and suppliers for their produce would have a significantly positive benefit on rural areas.

Costs

- o. **Costs for Option (1) – ‘do nothing’:**
 - i) Under this option, no pressure would be applied by Government on industry to change the nutritional profile of food used in school lunches. This option is unlikely to achieve the desired improvements to the nutritional content of school meals across England and ultimately help address the prevalence of diet-related diseases in later life.
- p. **Costs for Option (2) –voluntary approach**
 - i) Action by both industry and schools would be voluntary. Target nutritional standards are already in place in Scotland, supporting implementation of Scotland's school meals policy “Hungry for Success”, and school lunch providers are seeking to meet these specifications. However, the situation in England is far more complex given the diverse range of providers and systems of provision for school meals. This diversity of provision would suggest that a voluntary approach would not be effective.
 - ii) In addition, the voluntary system in Scotland was backed up through a series of subsidies for school meal provision in order to achieve

compliance. The extra 5p to 10p fell completely on subsidies. Such a system would pose a major cost if subsidies had to be provided to encourage compliance in England.

- iii) If the level of compliance from the voluntary approach is not that high, then there will be a cost in terms of nutrition, and its associated benefits, to those pupils whose food is not meeting the nutritional standards. The distribution of compliance and the ability of schools to comply may involve elements of inequality with schools in deprived areas benefiting less.
- iv) The results of the voluntary approach will be much slower at best in achieving the desired outcomes. However, if all suppliers of school food fail to follow the voluntary guidelines we may in fact end up with no change in the nutritional outcomes for pupils. What may happen is that the healthy options that are currently available under the National Nutritional Standards may be provided using ingredients from suppliers that have agreed to the voluntary code while less healthy options could be provided using ingredients from suppliers who have not agreed to the voluntary code. This would lead to the pupils who choose the non-healthier option not gaining any health benefits. Thus, the actual outcome would not be that different to the situation which pertains today.
- v) **Costs for Option (3) – Full implementation of the SMRP recommendations on food standards through legislation, with some variations, by September 2006.**
- vi) Increasing the nutritional quality of food could lead to an increase in the cost of school lunches, either directly through the cost of the ingredients themselves or increased labour costs, or indirectly through the need to invest in replacing or upgrading kitchens to ensure that healthier cooking methods can be followed. Although the following costs will vary slightly with regard to the timescale adopted and the level of standards implemented, they nonetheless give some indication of the costs of implementing the nutrient and food and drink standards. The PWC report³⁶ analysing the costs of implementing the Caroline Walker Trust recommendations, which closely resemble the recommendations of the SMRP, came up with the following results. It is important to bear in mind, though, that the costs calculated by PWC include the costs for implementing both the food and nutrient standards, rather than the food-based standards alone.
- vii) The increase in the cost of ingredients is shown in the table below. However, it is important to bear in mind that the costs are based on present prices and the current structure of the market. As the demand for food of a high nutritional quality grows, through schools implementing the nutritional standards, there may be efficiencies to be gained and a subsequent mediation of the increase in prices shown in the PWC report.

³⁶ PriceWaterhouseCoopers, Economic Costs of Implementing Caroline Walker Trust Recommendations, DfES August 2005.

Variable Costs per Pupil taking up school meals

	Per Annum extra cost		Per day extra cost	
	Primary	Secondary	Primary	Secondary
Initial	£43 - £52	£49 - £66	£0.23 - £0.27	£0.26 - £0.35
Thereafter	£42 - £51	£45 - £61	£0.22 - £0.27	£0.24 - £0.32

Total Cost (Primary & Secondary)

(excluding refurbishment)

Initial	£164m - £171m
Thereafter	£156m - £161m

- viii) For example, a recent report from the National Audit Office³⁷ on food procurement in the public sector concluded that significant financial savings would be achieved from improvements in joined up procurement, by sharing good practice and better marketing of the service.
- ix) Furthermore, many of the initial recurrent costs could be met from the £220 million transitional funding allocated by the DfES to local authorities and schools between 2005 and 2008 to support the improvement of school food.
- x) In addition, evidence suggests that local authorities and schools are already addressing the issue of healthier school lunches and many have already made the changes required to improve the quality of school lunches and meet the proposed food-based standards for school lunches.
- xi) The cost of school lunches is currently met through a combination of expenditure by local authorities, schools, parents and carers. The distribution of any increased costs between parents, Local Authority and school must be carefully considered. The manner in which the costs are distributed are crucial to the success or failure of the proposal.
- xii) The implementation of the SMRP recommendations must take into account the nature of provision within the school meals sector. There are three main kinds of provision: through the LEA, in-house by the school and the use of catering contractors. Thus, it is essential that the recommendations allow these different methods of provision and the different cost structures associated with them.
- xiii) The nature of the cost incurred will also depend on how the school lunches are provided. The SMRP state that an aspirational goal is that lunches be cooked on-site, however given the lack of kitchen facilities in many schools and the need to implement nutritional requirements, food may still have to be cooked externally and then reheated at the school.
- xiv) The cost of refurbishment is estimated in the PWC report as being £289m for primary and secondary schools. However, by varying the timescale involved, this cost may be spread out over a longer period of time and the

³⁷ National Audit Office, Smarter Food Procurement in the Public Sector. TSO 2006

refurbishment also brought into line with the Building Schools for the Future programme. As there is such a large requirement for refurbishment of school kitchens this will impact on cost in either of two ways. Firstly, there may be an increase in cost due to a lack of capacity in the market to refurbish such a number of school kitchens. However, on the other hand, there is potential for a reduction in costs through economies of scale.

Refurbishment Costs

	Total	Per pupil p/a	Per pupil p/day
Primary	£206m	£48	£0.25
Secondary	£83m	£24	£0.13

- xv) Refurbishment costs may not be truly additional with the arrival of Building Schools for the Future, which might incorporate some of the required changes, which would particularly tie in with a phased approach. Also in that BSF targets deprived areas first, those schools with the highest proportion of FSM might be natural targets to benefit since a greater proportion of their pupils face restricted school meal choice.
- xvi) There will need to be a restructuring of the way many caterers operate. They will have to move towards a more skilled staff with the accompanying higher wage costs. They will need to invest in the means of producing meals that meet the nutritional requirements and will therefore have to adjust their cost base which is at present predicated on low cost production. The cost of training existing staff and hiring other staff will also have to be borne by the catering industry.
- xvii) According to the PWC report, in primary schools, the additional labour cost of this training per typical primary school was estimated to be £636 in the first instance falling to £316 per primary school per annum. These estimates do not include the cost of training provision but merely the opportunity cost of the school workforce participating in training³⁸.
- xviii) In secondary schools, adopting the same labour inputs (though a different secondary school workforce mix), the training requirements equate to £953 per secondary school on an initial basis and £455 per annum on a recurrent basis (driven by the larger workforce).
- xix) Overall, the costs from the PWC report can be summarised as follows:

Total Cost in Primary & Secondary (including refurbishment)

Initial	£453m - £459m
Thereafter	£156m - £161m

³⁸ PriceWaterhouseCoopers, Economic Costs of Implementing Caroline Walker Trust Recommendations, DfES August 2005.

Additional Cost per pupil as % of current per capita resource allocation

Initial	0.55% - 0.57%
Thereafter	0.53% - 0.53%

- xx) If caterers look to local farmers and suppliers for their produce this may impose an extra cost. This cost is going to be locally specific. For those schools that are able to readily access supplies from local farmers there may in fact be a reduction in cost. However, for schools in major urban areas, the procurement of supplies from local farmers and suppliers will be far more difficult and costly. There may also be loss of economies of scale that larger but less local suppliers enjoy.

q. Costs for Option (4) – Full implementation of the SMRP recommendations on food standards through legislation from September 2006

- i) This option would entail the full implementation of all the recommendations of the SMRP on food standards, and thus could produce costs similar to those outlined in the PWC Report³⁹.
- ii) Extra costs will be incurred by implementing all the food standards in full, especially with regard to bread being available “unrestricted”, frozen vegetables not being allowed, water having to be chilled and full choice being available to the end of service.
- iii) The SMRP recommendation that choice be available for all children right through to the end of service may have major cost implications for the project. In schools that have already had substantial improvements in nutrition, there has been a slight reduction in the choice available. Thus, by keeping the full range of choice through to the end of service, there may be substantial wastage and thus extra cost.
- iv) The recommendation that there would be easy access to free, fresh, chilled drinking water throughout the school day may impose extra costs on schools because of the cost of buying a chilled water dispenser. It must be considered how this recommendation would be drawn up in detail and what would be deemed easy access.

Unexpected costs and unintended consequences

- r. The cost arguments that have been put forward focus mainly around the costs of the food, and the direct costs to schools of increased costs of ingredients and any potential refurbishment required. However, there may be unintended impacts of taking this plan of action which will have associated costs. For example, schoolchildren could react negatively to changes, resulting in a reduction in school lunch take-up and hence an increase in the number of packed lunches or in consumption outside of school. This could have a significant impact on the viability of school meals services in some areas.

³⁹ PriceWaterhouseCoopers, Economic Costs of Implementing Caroline Walker Trust Recommendations, DfES August 2005.

- s. Given the large demand by schools in the market for cheap mass-produced food for catering from the wholesale sector, the introduction of the food based standards may have a significant impact on the dynamics of trade within the market and may stimulate change in the wholesale sector.

Benefits

- t. People's patterns of behaviour are often set early in life and can influence their health in later life. Infancy, childhood and young adulthood are critical stages in the development of habits that will affect people's health in later life.
- u. Setting food standards for school lunches would be a central part of a wider 'whole school' approach to promoting healthier choices and establishing healthier eating patterns at an early age.
- v. The Scientific Advisory Committee on Nutrition, in its report 'Salt and Health'⁴⁰, emphasised that it would be inadvisable for children in the UK to become accustomed to the levels of salt intake currently habitual for adults as the evidence suggests long-term consumption of such amounts are potentially harmful in adult life. The report went on to state that health benefits for children would be gained from a reduction in average salt consumption and daily target average salt intakes for infants and children were set. The general population would also benefit from reduced salt levels in these manufactured foods used in school lunches, as these products are also often available on the retail market for use in the home. A habitually higher intake of salt has been associated with a higher than average blood pressure, which may lead to an increased risk of heart disease or a stroke. A diet lower in salt would be expected to result in lower average blood pressure and a smaller rise in blood pressure with age. The cost to the UK of coronary heart disease is estimated at £7.9bn in 2003, including productivity losses⁴¹. The direct health care costs alone of stroke are estimated to be £1.7bn in 1999 prices⁴²
- w. The FSA commissioned a study modelling the impact of selected Hungry for Success target nutrient specifications (TNS) for manufactured foods on the nutrient intake of pupils. Using the data from Secondary School meals in England, it demonstrated that there would be a 16% reduction in energy intake (100 kcal), 27% reduction in fat, 23% reduction in saturates, 18% reduction in sodium and a 37% reduction in NMES intake. These outcomes indicate that TNS can help children to achieve intakes that are closer to current recommendations for total and saturated fat intakes and below current recommendations for sodium and NMES intakes.
- x. The nutritional standards for school lunches provide a transparent reference point to assist in negotiating and establishing contracts for school meal provision between local authorities, schools, caterers and product suppliers.
- y. **Benefits for Option (1) – 'do nothing'**

⁴⁰ Scientific Advisory Committee on Nutrition. Salt and Health. London: TSO, 2003

⁴¹ Petersen S, Peto V, Rayner M, Leal J, Luengo-Fernandez R and Gray A. European cardiovascular disease statistics. British Heart Foundation: London, 2005

⁴² Liu JLY, Maniadakis, Gray A and Rayner M. The economic burden of coronary heart disease in the UK. Heart 2002; 88:597-603.

- i) The benefit of this option is that the food industry will not have to incur any costs in modifying their products. Costs for schools and caterers can be minimised by not having to train catering staff to a higher level. In addition, the substantial capital cost of refurbishing school kitchens to cook food on site from fresh ingredients is avoided.

z. **Benefits for Option (2) –voluntary approach**

- i) Option two would encourage the food industry to improve the food standards of school meals. There is a growing expectation from the public that big organisations should behave as socially responsible “corporate citizens” and a number of food companies and organisations have expressed a desire to be 'part of the solution' in the current food and health debate. The Food and Drink Federation recognises this in its Food and Health Manifesto⁴³, saying that its members “depend on deep relationships of trust with their consumers, which they have every interest in maintaining.”
- ii) Reductions in saturated and total fat consumption achieved during the 1990s, in part through voluntary action by the industry to reduce fat levels in food, demonstrates that the voluntary approach can be effective. However, the complexity of the system of provision of school meals in England would make this less likely, leading to a patchy distribution of benefits and a slower pace of achievement.
- iii) This option would, however, place a lesser burden on caterers and schools and would be seen to have a lesser regulatory burden.

aa. **Benefits for Option (3) – Full implementation of the SMRP recommendations on food standards through legislation, with some variations, by September 2006.**

- i) Option three would bring about a substantial change in the quality of food in school lunches for pupils. This would be seen to have substantial benefits for pupils in terms of nutritional outcomes as well as the concurrent health benefits that pertain.
- ii) The major benefit of this option is that it allows for a reduction in some of the costs of the recommendations while retaining their effectiveness.
- iii) The benefits in terms of health and the reduction in costs to the exchequer are potentially huge. There are direct costs to the NHS and indirect costs to the wider economy from diet related diseases. In England, for the population as a whole, the economic costs of obesity were estimated by the National Audit Office to be around £1 billion a year to the NHS and a further £2.3 to £2.6 billion in indirect costs⁴⁴. In 2002 the House of Common’s Health committee updated this estimate to £3.3 – 3.7bn for

⁴³ “Food and Health Manifesto”, Food and Drink Federation. Available at <https://www.fdf.org.uk/showdoc/opendoc2.aspx?id=284>

⁴⁴ National Audit Office. Tackling Child Obesity – First steps. TSO, 2006.

obesity and suggested that overweight may cost the economy a further £3.3 – 3.7bn, resulting in a total cost of £6.6 – 7.4bn per year.⁴⁵ Separately it has been estimated that the costs of coronary heart disease, including productivity losses, in the UK in 2003 were £7.9bn (the costs of obesity include only the portion of these costs estimated to arise from obesity)⁴⁶. Additionally, the direct health care costs alone of stroke are estimated to be £1.7bn in 1999 prices⁴⁷.

- iv) The training of staff and the investment in kitchen facilities could make possible the preparation on site of a cooked meal made from fresh ingredients.

bb. Benefits for Option (4) –implementation of all the recommendations of the SMRP

- i) By ensuring the full implementation of all the recommendations regarding food standards of the SMRP, the full health benefits mentioned previously can be derived. This will make sure that the benefits are made available to all children who take up school lunches.

Costs to Small Businesses

- cc. The Food Standards Agency has previously conducted an assessment of the impact on small businesses of a range of measures in its Action Plan on Food Promotions and Children’s Diets⁴⁸. This assessment included potential costs to small manufacturers arising from product reformulation and re-labelling. The assessment concluded that potential additional costs to these small businesses would not be disproportionate in comparison to larger businesses.
- dd. Extrapolating from the above findings, there does not appear to be any reason to believe that there would be a significantly different impact through the changes to school lunches.
- ee. There may in fact be substantial benefits to small businesses. Given that the recommendations of the SMRP state that “The procurement of food served in schools should be consistent with sustainable development principles and schools and caterers should look to local farmers and suppliers for their produce where possible”, there is significant scope for local small businesses to become involved as suppliers to their local schools.

Competition Assessment

- ff. There are two principal markets that will be affected by the proposal. Firstly, there are the manufacturers of foods for the catering industry. It is not anticipated that the regulations would have a major impact on this sector as such firms may

⁴⁵ House of Commons Health Committee: Obesity; third report of session 2003-04; May 2004

⁴⁶ Petersen S, Peto V, Rayner M, Leal J, Luengo-Fernandez R and Gray A. European cardiovascular disease statistics. British Heart Foundation: London, 2005

⁴⁷ Liu JLY, Maniadakis, Gray A and Rayner M. The economic burden of coronary heart disease in the UK. Heart 2002; 88:597-603.

⁴⁸ The Regulatory Impact Assessment can be viewed at <http://www.food.gov.uk/multimedia/pdfs/fsa040705a4.pdf>

already be seen to be supplying a diverse market of caterers. For many of the manufacturers that are involved in providing food to caterers in the school food sector, this area of the market is relatively small given their overall operations. Thus, the change required by the new nutritional requirements could be easily substituted by many manufacturers with existing products. Yet, given the emphasis on the need for fresh local produce this may well result in the growth of a number of smaller local players in the market, leading to a reduction in market share for the major manufacturing firms. However, this would in fact improve the competitive nature of the market and could lead to a degree of market segmentation with local suppliers supplying perishable goods while other products continue to be supplied by the major manufacturers.

- gg.** For caterers and providers of school lunches, the situation is somewhat different. This market is a mixture of service providers. Where budgets have been delegated to schools, over 50% use a direct buy back through the LA. Of those surveyed by the Local Authority Caterers Association, less than 20% returned any money to Primary schools, however, 60% returned money to Secondary schools, and 40% returned money to the Local Authority. Less than 40% of authorities have gone out to tender since delegation. In Primary schools, 69% of the contracts are operated by the Direct Service Operator (DSO), 12% by Compass, 7% by Initial, 3% by Sodexo and 9% are operated by other contractors or are self-operated. In Secondary schools, 60% are operated by the DSO, 11% by Compass, 10% by Initial, 3% by Sodexo, 5% self-operate and 11% by other contractors. School lunch providers spend over £360 million on food, £25 million a year on heavy equipment and over £8 million a year on light equipment. Over £10 million a year is spent on cleaning materials in schools. Over 3% of payroll is spent on training. Nearly 100,000 people are employed in the provision of school lunch services in England. The average earnings of a predominantly female, part time work force in the school meals service is £82 per week. The total expenditure by parents and LEA's on school lunches in England is nearly £1billion⁴⁹.
- hh.** The introduction of the new regulations would not be expected to lead to higher set-up costs or ongoing costs that would not also affect existing firms.

Primary Schools (Market share 2003 based on LA contracts)

Compass	12.00%
Initial	7.00%
Sodexo	3.00%
Others & Self Op	9.00%
DSO	69.00%

Secondary schools (Market share 2003 based on LA contracts)

Compass	11.00%
Initial	10.00%
Sodexo	3.00%

⁴⁹ LACA School Meals Survey 2004. Local Authority Catering Association

Others	11.00%
Self Op	5.00%
DSO	60.00%

Source: LACA School Meals Survey 2004. Local Authority Catering Association⁵⁰

- ii. For **Option one**, to carry on as we are, there would be no effect on competition.
- jj. For **Option two**, to work with the food industry to improve food standards may have substantial effects on competition. If some manufacturers consent to change their products but others do not, this may have a distortionary effect on the market. Manufacturers modifying products could face some increase in costs, but those who do not may face reduced outlets should schools choose to take only healthy products. Similarly for caterers, there is an incentive to hold back on implementing the standards due the increased costs that they will face as opposed to their competitors who do not apply the voluntary standards. Thus, this coordination problem with the voluntary option means that without intervention the market will fail to lead to the competitive outcome. Firms are at a disadvantage by being a first-mover and voluntarily changing their products. Competition is distorted as such firms who may want to move to complying with the voluntary standards are precluded from doing so because of the cost implications of their competitors not complying.
- kk. **Options three and four:** these both involve a legislative approach to tackling the problem and would therefore be seen to have a similar impact on competition and industry.
- ll. For these options, the supply sector which provides food for school lunches could be affected through the forced changes to its products for schools, in order that products that are used as ingredients will be able to produce lunches that comply with the nutritional standards. However many companies may already supply a range of products, some of which meet, and some of which do not meet, the proposed standards. Should companies wish to maintain the existing attributes of their non-compliant products, the overwhelming majority of the wholesale and retail markets (i.e. other than for school use) would still be available for these companies to compete in. As such, the overall effects on competition are expected to be limited. The implementation of these options though may have implications with regard to the contracts that are already in place. The impact of the new nutritional standards on long term contracts would have to be examined. There may be scope to increase competition in the sector by giving schools market power to demand that the new regulations are met by the private contractor or that they will seek out a new one. By exercising buyer power, this may introduce a new dynamism into the market and lead to a more efficient provision of healthier school meals. Thus, the effect on competition for caterers is very much dependent on the scope of the contracts that already exist and how these will be affected by the proposed regulations.

Summary and recommendation

⁵⁰ Market share calculated on the basis of role numbers from the LEA

- mm. The Government strongly recommends **Option 3** - full implementation of the SMRP recommendations on food standards through legislation, with some variations, from September 2006.

Summary of recommended SMRP food based standards for school lunches in England

Food Standards	
Fruit and vegetables	Not less than 2 portions per day per child, at least one of which should be salad or vegetables, and at least one of which should be fruit
Oily fish	On the school lunch menu at least once every 3 weeks
Deep fried products	Meals should not contain more than two deep fried products in a single week
Processed foods ¹	Should not be reformed/reconstituted foods made from “meat slurry”
Bread (without spread)	Available unrestricted throughout lunch
Confectionery and savoury snacks	Not available through school lunches
Salt/highly salted condiments	Not available at lunch tables or at the service counter
Drinks	The only drinks available should be water (still or fizzy), skimmed or semi-skimmed milk, pure fruit juices, yoghurt and milk drinks with less than 10% added sugar, or combinations of these (e.g. smoothies)
Water	Easy access to free, fresh, chilled drinking water

¹ Schools should also aim to adopt the Food Standard Agency’s voluntary Target Nutrient Specifications.

ANNEX B

DEVELOPMENT AND IMPLEMENTATION OF NUTRIENT-BASED STANDARDS FOR SCHOOL LUNCHES

1. Title of Proposal

- a. Development and Implementation of Nutrient-Based Standards for School Lunches.

Purpose and intended effect

b. Objectives

- i) To improve the diets and health of English schoolchildren by making it easier for them to choose healthier options at school, thereby helping to reduce the prevalence of diet-related diseases in later life (such as diabetes and coronary heart disease).

c. Background and Rationale for Government Intervention:

- i) Healthier school lunches may be seen as a merit good -that is a good that is under-consumed by individuals because they fail to realise or chose to ignore the benefits that the good confers on them. In the case of healthier school meals, children have been shown to be inclined to choose a non-healthy option. As a result of this market failure there is a need to intervene and achieve what is known as the 'second-best solution'.
- ii) The SMRP report, Turning the Tables, contained 35 recommendations relating to the provision of school meals. One of the core recommendations was for school lunch provision to meet 14 nutrient standards (similar to Caroline Walker Trust recommendations).
- iii) A table setting out the proposed 14 nutrient standards is at Appendix i.

Options

- d. We have identified three broad options:

- Do nothing
- Voluntary approach encouraging schools and caterers to comply with the nutrient standards proposed by the SMRP with regard to school lunches.
- Full implementation of the SMRP recommendations on nutrient standards through legislation by September 2008 for primary schools and September 2009 for secondary schools.

e. The 'do nothing option'

- i) This would mean not taking any action to change the standards for school lunch. The existing standards for school lunches would remain in force and the quality of school lunches would be driven by other factors, such as

consumer demand and cost. Consequently, without any proactive initiatives by Government, it is likely that any change in food standards would take longer and would not be consistent across the whole sector.

f. **Voluntary approach**

- i) The voluntary approach would entail encouraging schools and caterers to comply with the nutrient standards proposed by the SMRP with regard to school lunches. However, there would be no obligation for either schools or caterers to comply with the standards.
- ii) **Full implementation of the SMRP recommendations on nutrient standards through legislation from September 2008 for primary schools and September 2009 for secondary schools**
- iii) The nutrient standards recommended by the SMRP would be implemented in full.

Costs and benefits

Sectors and groups affected

Costs

Benefits

Sectors and groups affected

- g. An improvement in school lunches would clearly be of direct benefit to schoolchildren. In addition, this work would form an integral part of the Government's National Healthy Schools Programme in England.
- h. Other key sectors and groups, which would be affected, include the food industry (namely the manufacturers, suppliers and caterers involved in the provision of school meals) and those who procure school lunches (e.g. some local authorities, and schools themselves).
- i. We do not consider that the setting of nutrient-based standards for food used in school lunch, or the options to drive this initiative forward, would have any disproportionate adverse impacts on, or disadvantage to, any particular racial or social group as distinct from its impacts on industry.
- j. School lunches may be relatively more important in nutritional terms for disadvantaged children, especially those on free school meals, and therefore they may benefit disproportionately from the proposed action.
- k. There will also be an impact on parents through the improved health of their children and possibly a carry over of healthier eating from the school to the home.
- l. We have also considered the impact of these measures on rural populations and consider that they will not have a different or disproportionate impact on people living in rural areas. However, the sustainable development principles quoted in

the SMRP Report and the recommendation that schools and caterers should look to local farmers and suppliers for their produce would have a significantly positive benefit on rural areas.

Costs

m. Costs for Option (1) – ‘do nothing’

- i) Under this option, no pressure would be applied by Government on industry to change the nutrient profile of food used in school lunches. Doing nothing will not only reduce the opportunities to provide children with healthier foods, which may have contributed positively to their vitamin and mineral intake but this will also weaken the ability of the change in school lunches to bring about a change in attitudes among pupils. This option is unlikely to achieve the desired improvements to the nutritional content of school meals across England and ultimately help address the prevalence of diet-related diseases in later life.

n. Costs for Option (2) –voluntary approach

- i) Action by both industry and schools would be voluntary. Target nutritional standards are already in place in Scotland, supporting implementation of Scotland’s school meals policy “Hungry for Success” and school lunch providers are seeking to meet these specifications. However, the situation in England is far more complex given the diverse range of providers and systems of provision for school meals. This diversity of provision would suggest that a voluntary approach would not be effective.
- ii) In addition, the voluntary system in Scotland was backed up through a series of subsidies for school meal provision in order to achieve compliance. The extra 5p to 10p fell completely on subsidies. Such a system would pose a major cost if subsidies had to be provided to encourage compliance in England.
- iii) If the level of compliance from the voluntary approach is not that high, then there will be a cost in terms of nutrition, and its associated benefits, to those pupils whose food is not meeting the nutritional standards. The distribution of compliance and the ability of schools to comply may involve elements of inequality with schools in deprived areas benefiting less.
- iv) The results of the voluntary approach will be much slower at best in achieving the desired outcomes. However, if all suppliers fail to follow the voluntary guidelines we may in fact end up with no change in the nutritional outcomes for pupils. What may happen is that the healthy options that are currently available under the National Nutritional Standards may be provided using ingredients from suppliers that have agreed to the voluntary code while less healthier options could be provided using ingredients from suppliers who have not agreed to the voluntary code. This would lead to the pupils who choose the non-healthier option not gaining any health benefits. Thus, the actual outcome

would not be that different to the situation which pertains today.

o. Costs for Option (3) – Full implementation of the SMRP recommendations on nutrient standards through legislation from September 2008 for primary schools and September 2009 for secondary schools

- i) Increasing the nutritional quality of food could lead to an increase in the cost of school meals, either directly through the cost of the ingredients themselves or the labour costs or indirectly through the need to invest in replacing or upgrading kitchens to ensure that healthier cooking methods can be followed. The costs that could be incurred in terms of retraining of staff and the refurbishment of catering facilities need to be considered in terms of the entire school food policy. Given the plan to implement the food-based standards in September 2006 much of any cost for implementing the nutrient standards will already have been incurred. However, it is nonetheless important to consider the costings as part of the overall package.
- ii) The PWC report⁵¹ analysing the costs of implementing the Caroline Walker Trust recommendations, which closely resemble the recommendations of the SMRP with regard to food standards and nutrient standards, came up with the following results.
- iii) The increase in the cost of ingredients is shown in the table below. However, it is important to bear in mind that the costs are based on present prices and the current structure of the market. As the demand for food of a high nutritional quality grows, through schools implementing the nutritional standards, there may be efficiencies to be gained and a subsequent mediation of the increase in prices shown in the PWC report.

Variable Costs per Pupil taking up school meals

	Per Annum extra cost		Per day extra cost	
	Primary	Secondary	Primary	Secondary
Initial	£43 - £52	£49 - £66	£0.23 - £0.27	£0.26 - £0.35
Thereafter	£42 - £51	£45 - £61	£0.22 - £0.27	£0.24 - £0.32

Total Cost (Primary & Secondary)

(excluding refurbishment)

Initial	£164m - £171m
Thereafter	£156m - £161m

- iv) For example, a recent report from the National Audit Office⁵² on food procurement in the public sector concluded that significant financial savings would be achieved from improvements in joined up procurement, by sharing good practice and better marketing of the service.

⁵¹ PriceWaterhouseCoopers, Economic Costs of Implementing Caroline Walker Trust Recommendations, DfES August 2005.

⁵² National Audit Office, Smarter Food Procurement in the Public Sector. TSO 2006

- v) Furthermore, many of the initial recurrent costs could be met from the £220 million transitional funding allocated by the DfES to local authorities and schools between 2005 and 2008 to support the improvement of school food.
- vi) In addition, evidence suggests that local authorities and schools are already addressing the issue of healthier school lunches and many have made the changes required to improve the quality of school lunches and meet the proposed nutrient based standards for school lunches.
- vii) The cost of school lunches is currently met through a combination of expenditure by local authorities, schools, parents and carers. The distribution of any increased costs between parents, Local Authority and school must be carefully considered. The manner in which the costs are distributed are crucial to the success or failure of the proposal.
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- xvi) If caterers look to local farmers and suppliers for their produce this may

⁵³ PriceWaterhouseCoopers, Economic Costs of Implementing Caroline Walker Trust Recommendations, DfES August 2005.

impose an extra cost. This cost is going to be locally specific. For those schools that are able to readily access supplies from local farmers there may in fact be a reduction in cost. However, for schools in major urban areas, the procurement of supplies from local farmers and suppliers will be far more difficult and costly. There may also be loss of economies of scale that larger but less local suppliers enjoy.

Unexpected costs and unintended consequences

- p. The cost arguments that have been put forward focus mainly around the costs of the food, and the direct costs to schools of increased costs of ingredients and any potential refurbishment required. However, there may be unintended impacts of taking this plan of action which will have associated costs. For example, schoolchildren could react negatively to changes, resulting in a reduction in school lunch take-up and hence an increase in the number of packed lunches or in consumption outside of school. This could have a significant impact on the viability of school meals services in some areas.
- q. Given the large demand by schools in the market for cheap mass-produced food for catering from the wholesale sector, the introduction of the food based standards may have a significant impact on the dynamics of trade within the market and may stimulate change in the wholesale sector.

Benefits

- r. People's patterns of behaviour are often set early in life and can influence their health in later life. Infancy, childhood and young adulthood are critical stages in the development of habits that will affect people's health in later life.
- s. Setting food standards for school lunches would be a central part of a wider 'whole school' approach to promoting healthier choices and establishing healthier eating patterns at an early age.
- t. The Scientific Advisory Committee on Nutrition, in its report 'Salt and Health'⁵⁴, emphasised that it would be inadvisable for children in the UK to become accustomed to the levels of salt intake currently habitual for adults as the evidence suggests long-term consumption of such amounts are potentially harmful in adult life. The report went on to state that health benefits for children would be gained from a reduction in average salt consumption and daily target average salt intakes for infants and children were set. The general population would also benefit from reduced salt levels in these manufactured foods used in school meals, as these products are also often available on the retail market for use in the home.
- u. A habitually higher intake of salt has been linked to a higher than average blood pressure, which may lead to an increased risk of heart disease or a stroke. A diet lower in salt would be expected to result in lower average blood pressure and a smaller rise in blood pressure with age. The cost to the UK of coronary heart disease is estimated at £7.9bn in 2003, including productivity losses⁵⁵. The direct

⁵⁴ Scientific Advisory Committee on Nutrition. Salt and Health. London: TSO, 2003

⁵⁵ Petersen S, Peto V, Rayner M, Leal J, Luengo-Fernandez R and Gray A. European cardiovascular disease statistics. British Heart Foundation: London, 2005

health care costs alone of stroke are estimated to be £1.7bn in 1999 prices⁵⁶.

- v. The FSA commissioned a study modelling the impact of selected Hungry for Success target nutrient specifications (TNS) for manufactured foods on the nutrient intake of pupils. Using the data from Secondary School meals in England, it demonstrated that there would be a 16% reduction in energy intake (100 kcal), 27% reduction in fat, 23% reduction in saturates, 18% reduction in sodium and a 37% reduction in NMES intake. These outcomes indicate that TNS can help children to achieve intakes that are closer to current recommendations for total and saturated fat intakes and below current recommendations for sodium and NMES intakes.
- w. The nutritional standards for school lunches provide a transparent reference point to assist in negotiating and establishing contracts for school meal provision between local authorities, schools, caterers and product suppliers.
- x. **Benefits for Option (1) – ‘do nothing’**
 - i) The benefit of this option is that the food industry will not have to incur any costs in modifying their products. Costs for schools and caterers can be minimised by not having to train catering staff to a higher level. In addition, the substantial capital cost of refurbishing school kitchens to cook food on site from fresh ingredients is avoided.
- y. **Benefits for Option (2) –voluntary approach**
 - i) Option two would encourage the food industry to improve the nutrient standards of school lunches. There is a growing expectation from the public that big organisations should behave as socially responsible “corporate citizens” and a number of food companies and organisations have expressed a desire to be ‘part of the solution’ in the current food and health debate. The Food and Drink Federation recognises this in its Food and Health Manifesto⁵⁷, saying that its members “depend on deep relationships of trust with their consumers, which they have every interest in maintaining.”
 - ii) Reductions in saturated and total fat consumption achieved during the 1990s, in part through voluntary action by the industry to reduce fat levels in food, demonstrates that the voluntary approach can be effective. However, the complexity of the system of provision of school lunches in England would make this less likely, leading to a patchy distribution of benefits and a slower pace of achievement.
 - iii) This option would, however, place a lesser burden on caterers and schools and would be seen to have a lesser regulatory burden.
- z. **Benefits for Option (3) – Full implementation of the SMRP recommendations**

⁵⁶ Liu JLY, Maniadakis, Gray A and Rayner M. The economic burden of coronary heart disease in the UK. *Heart* 2002; 88:597-603.

⁵⁷ “Food and Health Manifesto”, Food and Drink Federation. Available at <https://www.fdf.org.uk/showdoc/opendoc2.aspx?id=284>

on nutrient standards through legislation from September 2008 for primary schools and September 2009 for secondary schools

- i) Option three would bring about a substantial change in the quality of food in school lunches for pupils. This would be seen to have substantial benefits for pupils in terms of nutritional outcomes as well as the concurrent health benefits that pertain.
- ii) The benefits in terms of health and the reduction in costs to the exchequer are potentially huge. There are direct costs to the NHS and indirect costs to the wider economy from diet related diseases. In England, for the population as a whole, the economic costs of obesity were estimated by the National Audit Office to be around £1 billion a year to the NHS and a further £2.3 to £2.6 billion in indirect costs⁵⁸. In 2002 the House of Commons' Health committee updated this estimate to £3.3 – 3.7bn for obesity and suggested that overweight may cost the economy a further £3.3 – 3.7bn, resulting in a total cost of £6.6 – 7.4bn per year.⁵⁹ Separately it has been estimated that the costs of coronary heart disease, including productivity losses, in the UK in 2003 were £7.9bn (the costs of obesity include only the portion of these costs estimated to arise from obesity)⁶⁰. Additionally, the direct health care costs alone of stroke are estimated to be £1.7bn in 1999 prices⁶¹.
- iii) The training of staff and the investment in kitchen facilities could make possible the preparation on site of a cooked meal made from fresh ingredients.

Costs to Small Businesses

- aa. The Food Standards Agency has previously conducted an assessment of the impact on small businesses of a range of measures in its Action Plan on Food Promotions and Children's Diets⁶². This assessment included potential costs to small manufacturers arising from product reformulation and re-labelling. The assessment concluded that potential additional costs to these small businesses would not be disproportionate in comparison to larger businesses.
- bb. Extrapolating from the above findings, there does not appear to be any reason to believe that there would be a significantly different impact through the changes to school lunches.
- cc. There may in fact be substantial benefits to small businesses. Given that the recommendations of the SMRP state that "The procurement of food served in schools should be consistent with sustainable development principles and schools and caterers should look to local farmers and suppliers for their produce where

⁵⁸ National Audit Office. Tackling Child Obesity – First Steps : TSO, 2006.

⁵⁹ House of Commons Health Committee: Obesity; third report of session 2003-04; May 2004

⁶⁰ Petersen S, Peto V, Rayner M, Leal J, Luengo-Fernandez R and Gray A. European cardiovascular disease statistics. British Heart Foundation: London, 2005

⁶¹ Liu JLY, Maniadakis, Gray A and Rayner M. The economic burden of coronary heart disease in the UK. Heart 2002; 88:597-603.

⁶² The Regulatory Impact Assessment can be viewed at <http://www.food.gov.uk/multimedia/pdfs/fsa040705a4.pdf>

possible”, there is significant scope for local small businesses to become involved as suppliers to their local schools.

Competition Assessment

- dd. There are two principal markets that will be affected by the proposal. Firstly, there are the manufacturers of foods for the catering industry. It is not anticipated that the regulations would have a major impact on this sector as such firms may already be seen to be supplying a diverse market of caterers. For many of the manufacturers that are involved in providing food to caterers in the school food sector, this area of the market is relatively small given their overall operations. Thus, the change required by the new nutritional requirements could be easily substituted by many manufacturers with existing products. Yet, given the emphasis on the need for fresh local produce this may well result in the growth of a number of smaller local players in the market, leading to a reduction in market share for the major manufacturing firms. However, this would in fact improve the competitive nature of the market and could lead to a degree of market segmentation with local suppliers supplying perishable goods while other products continue to be supplied by the major manufacturers.
- ee. For caterers and providers of school meals, the situation is somewhat different. This market is a mixture of service providers. Where budgets have been delegated to schools, over 50% use a direct buy back through the LA. Of those surveyed by the Local Authority Caterers Association, less than 20% returned any money to Primary schools, however, 60% returned money to Secondary schools, and 40% returned money to the LEA. Less than 40% of LEA's have gone out to tender since delegation. In Primary schools, 69% of the contracts are operated by the Direct Service Operator (DSO), 12% by Compass, 7% by Initial, 3% by Sodexo and 9% are operated by other contractors or are self-operated. In Secondary schools, 60% are operated by the DSO, 11% by Compass, 10% by Initial, 3% by Sodexo, 5% self-operate and 11% by other contractors. School meal providers spend over £360 million on food, £25 million a year on heavy equipment and over £8 million a year on light equipment. Over £10 million a year is spent on cleaning materials in schools. Over 3% of payroll is spent on training. Nearly 100,000 people are employed in the provision of school meal services in England. The average earnings of a predominantly female, part time work force in the school meals service is £82 per week. The total expenditure by parents and LAs on school meals in England is nearly £1billion⁶³.
- ff. The introduction of the new regulations would not be expected to lead to higher set-up costs or ongoing costs that would not also affect existing firms.

Primary Schools (Market share 2003 based on LA contracts)

Compass	12.00%
Initial	7.00%
Sodexo	3.00%

⁶³ LACA School Meals Survey 2004. Local Authority Catering Association

Others & Self Op	9.00%
DSO	69.00%

Secondary schools (Market share 2003 based on LA contracts)

Compass	11.00%
Initial	10.00%
Sodexo	3.00%
Others	11.00%
Self Op	5.00%
DSO	60.00%

Source: LACA School Meals Survey 2004. Local Authority Catering Association⁶⁴

- gg. For **Option one**, to carry on as we are, there would be no effect on competition.
- hh. For **Option two**, to work with the food industry to improve nutrient standards may have substantial effects on competition. If some manufacturers consent to modify their products but others do not, this may have a distortionary effect on the market. Manufacturers modifying products may face some increase in costs, but those who do not may face reduced outlets should schools choose to take only healthy products. Similarly for caterers, there is an incentive to hold back on implementing the standards due the increased costs that they will face as opposed to their competitors who do not apply the voluntary standards. Thus, this coordination problem with the voluntary option means that without intervention the market will fail to lead to the competitive outcome. Firms are at a disadvantage by being a first-mover and voluntarily changing their products. Competition is distorted as such firms who may want to move to complying with the voluntary standards are precluded from doing so because of the cost implications of their competitors not complying.
- ii. **Options three and four:** these both involve a legislative approach to tackling the problem and would therefore be seen to have a similar impact on competition and industry.
- jj. For these options, the wholesale sector supplying school meals could be affected through the forced changes to its products for schools, in order that products that are used as ingredients will be able to produce meals that comply with the nutritional standards. However many companies may already supply a range of products, some of which meet, and some of which do not meet, the standards. Should companies wish to maintain the existing attributes of their non-compliant products, the overwhelming majority of the wholesale and retail markets (i.e. other than for school use) would still be available for these companies to compete in. As such, the overall effects on competition are expected to be limited. The implementation of these options though may have implications with regard to the contracts that are already in place. The impact the new nutritional standards would have on long term contracts would need to be examined. There may be scope to increase competition in the sector by giving schools market power to

⁶⁴ Market share calculated on the basis of role numbers from the LEA

demand that the new regulations are met by the private contractor or that they will seek out a new one. By exercising buyer power, this may introduce a new dynamism into the market and lead to a more efficient provision of healthier school meals. Thus, the effect on competition for caterers is very much dependent on the scope of the contracts that already exist and how these will be affected by the proposed regulations.

Summary and recommendation

- kk. The Government strongly recommends **Option 3** - full implementation of the SMRP recommendations on nutrient standards through legislation from September 2008 for primary schools and September 2009 for secondary schools

Summary of recommended SMRP nutrient standards for school lunches in England

This table summarises the proportion of nutrients that children and young people should receive from a school lunch. The figures are for the recommended nutrient content of an average lunch over five consecutive school days.

Nutrient Standards	
Energy	30% of the estimated average requirement (EAR) ⁶⁵ This standard is linked to the recommendation that schools need to promote healthy levels of physical activity
Protein	Not less than 30% of reference nutrient intake (RNI)
Total carbohydrate	Not less than 50% of food energy
Non-milk extrinsic sugars	Not more than 11% of food energy
Fat	Not more than 35% of food energy
Saturated fat	Not more than 11% of food energy
Fibre	Not less than 30% of the calculated reference value <i>Note: calculated as Non Starch Polysaccharides</i>
Sodium	Not more than 30% of the SACN ⁶⁶ recommendation
Vitamin A	Not less than 40% of the RNI
Vitamin C	Not less than 40% of the RNI
Folate/folic acid	Not less than 40% of the RNI
Calcium	Not less than 40% of the RNI
Iron	Not less than 40% of the RNI
Zinc	Not less than 40% of the RNI

EAR = Estimated Average Requirement – the average amount of energy or nutrients needed by a group of people. Half the population will have needs greater than this, and half will be below this amount

RNI = Reference Nutrient Intake – the amount of a nutrient which is enough to meet the dietary requirements of about 97% of a group of people

SACN = Scientific Advisory Committee on Nutrition

Note : For details of figures for the dietary reference values and derived amounts for nutrients for

⁶⁵ Nutrient values except for sodium are based on: Department of Health (1991) Dietary Reference Values for Food Energy and Nutrients for the United Kingdom. London: HMSO

⁶⁶ Scientific Advisory Committee on Nutrition (2003) Salt and Health. London: The Stationery Office

children and young people see Crawley (2005), with the exception that the derived reference value for fibre for boys aged 15-18 years should be capped at 18g..

Average nutrient intakes which menus should supply for lunches over a period of 1 week for groups of mixed gender children in primary and secondary schools.

	Max or Min value	Primary Pupils 5-11 years ¹	Secondary Pupils 11-18 years ²
Energy kcals		557	646
Fat g	MAX	21.6	25.2
Saturated fat g	MAX	6.8	7.9
Total carbohydrate g	MIN	74.2	86.1
Non-milk extrinsic sugars g	MAX	16.3	18.9
Fibre g	MIN	4.5	5.1
Protein g	MIN	8.5	13.3
Iron mg	MIN	3.5	5.9
Zinc mg	MIN	2.8	3.7
Calcium mg	MIN	220	400
Vitamin A µg	MIN	200	250
Vitamin C mg	MIN	12	14.6
Folate µg	MIN	60	80
Sodium mg	MAX	600	710

ANNEX C

DEVELOPMENT AND IMPLEMENTATION OF STANDARDS FOR SCHOOL FOOD AND DRINK OTHER THAN LUNCH

1. Title of Proposal

- a. Development and Implementation of standards for school food and drink other than lunch.

Purpose and intended effect

b. Objectives

- i) To improve the diets and health of English schoolchildren by making it easier for them to choose healthier options at school, thereby helping to reduce the prevalence of diet-related diseases in later life (such as diabetes and coronary heart disease).

c. Background and Rationale for Government Intervention:

- i) Healthier school lunches may be seen as a merit good -that is a good that is under-consumed by individuals because they fail to realise or chose to ignore the benefits that the good confers on them. In the case of healthier school meals, children have been shown to be inclined to choose a non-healthy option. As a result of this market failure there is a need to intervene and achieve what is known as the 'second-best solution'.
- ii) The SMRP report, Turning the Tables, contained 35 recommendations relating to the provision of school meals. One of the core recommendations was that similar standards should be developed for school food and drink other than school lunch to ensure that the standards set for school lunch were not undermined by the quality of food available in school at other times of the day.
- iii) The DfES agreed with this recommendation and the School Food Trust was commissioned by the Secretary of State for Education and Skills to consider and advise on the standards which should apply to food and drink other than lunches. The SFT have now completed their considerations and have made their recommendations on the standards which should apply. Those recommendations are attached at Appendix i.

Options

- d. We have identified four broad options:
- Do nothing
 - Implement all proposals in full by Spring 2007
 - Adopt all proposals in full but delay implementation until September 2007
 - Partial implementation with variations on

- (i) Confectionery
- (ii) Drinks
- (iii) Snacks

e. The 'do nothing option'

- i) This would mean not taking any action to implement standards with regard to school food other than lunch.
- ii) The nutrient content of meals at breakfast, mid-morning break and after school meals would be driven by factors such as consumer demand and cost. The snacks that would be available would be solely a function of demand and what products are placed in vending machines.
- iii) Schools would continue to be free to decide their own policy on other school food.
- iv) However, without any proactive initiatives by Government, it is likely that much of the good work undertaken with regard to school lunches would be undermined through the provision of unhealthy meals and snacks at other times of the day.

f. Implement all proposals in full by Spring 2007

- i) This option entails the full implementation of the recommendations of the School Food Trust at the earliest possible point after Royal assent for the Education and Inspections Bill. Similar standards that would be applied to school lunches would also be applied to other meals served in school throughout the day.
- ii) With regards to vending and tuck shops there would be a complete ban on all confectionery and bagged savoury snacks except for unsalted nuts and seeds. This would be a clear food based approach which would be clear and easy to understand. The same core food standards would be applied to food sold from vending machines and tuck shops as with all other food provided in the school.
- iii) With regard to drinks, only the following would be allowed: water (still or sparkling), skimmed or semi-skimmed milk, pure fruit juices, yoghurt and milk drinks (with less than 5% added sugar), drinks made from combinations of these (e.g. smoothies), low calorie hot chocolate, tea and coffee. Diet drinks would not be allowed.

g. Adopt all proposals in full but delay implementation until September 2007

- i) This option would entail the full adoption of the SFT proposals but would delay implementation until September 2007 to allow schools and industry time to prepare.

h. Partial implementation with variations on

- (i) Confectionery**
- (ii) Drink**
- (iii) Snacks**

- i) This would mean the partial implementation of the recommendations of the School Food Trust with variations on what confectionery is allowed, extending what drinks are allowed, and broadening the range of snacks that would be admissible.
- ii) This would provide greater freedom with regard to the content of vending machines, tuck shops and the type of food and drinks allowed.

Costs and benefits

Sectors and groups affected

Costs

Benefits

Sectors and groups affected

- i. An improvement in school food other than lunch would be of direct benefit to school children. In addition, this work would be consistent with aims the Government's National Healthy Schools Programme in England.
- j. Other key sectors and groups, which would be affected, include the food industry (namely the manufacturers, suppliers and caterers involved in the provision of food provided in schools) and the schools themselves through the revenue impacts of vending machines and tuck shops.
- k. We do not consider that the implementation of nutritional standards for food other than lunch in schools, or the options to drive this initiative forward, would have any disproportionate adverse impacts on, or disadvantage to, any particular racial or social group (as distinct from its impact on industry and schools).
- l. There will also be an impact on parents through the improved health of their children and possibly a carry over of healthier eating from the school to the home.
- m. We have also considered the impact of these measures on rural populations and consider that they will not have a different or disproportionate impact on people living in rural areas.

Costs

- n. **The 'do nothing option'**
 - i) Under this option, similar standards that will apply to school lunches would not apply to other food served at school such as breakfasts and afternoon meals. Food high in salt, fat and sugar would still be allowed to be sold in schools. Thus, all the positive aspects of applying nutritional standards to school lunches would be reduced by the lack of equivalent standards affecting other food that is served in school or sold in vending machines or tuck shops. Doing nothing will not only have a negative dietary effect on pupils through other meals having a low nutritional value but this will weaken the ability of the change in school lunches to bring about a change in attitudes among pupils. Any coherence regarding school

food policy will be lost.

o. Implement all proposals in full by Spring 2007

- i) The major cost to schools and the industry could be the loss of revenue from the sale of products from vending machines and tuck shops. The recommendations of the School Food Trust state that no confectionery or bagged savoury snacks other than nuts and seeds would be allowed to be sold. This would include all potato-based, maize-based, wheat-based and rice-based snacks. Additional snacks to be banned would include: Salted nuts, sugared dried fruit, processed fruit bars, chocolate covered biscuits. This list could lead to a switch away from the purchase of snacks in school, with snacks being purchased outside school or brought in from home.
- ii) The estimated sales and revenues to secondary schools from vending, provided by the Automated Vending Association in January 2006 are:

	Weekly turnover (inc VAT) per machine	Return to school a year
Snacks	Range £150-£250	Range £900-£1500
Cans/bottles	Range £150-£250	Range £800-£2500

- iii) Given the possible fall in sales, through pupils switching their buying to outside the school, there could be a fall in revenue for schools although profits often revert to the vending provider. Some vending machine operators in their submission to the School Food Trust contended that many vending machines in schools would no longer be commercially viable under the new standards. However, although a school can have several of both drinks vending and snacks vending machines, evidence suggests that profits vary significantly often due to the location of machines and the types of products sold. There is also strong evidence that many schools have already switched to healthier vending and are seeing profits from the sale of those products.
- iv) A feasibility study into Healthier Drinks Vending in Schools by the Health Education Trust for the Food Standards Agency looked at the effect of having healthier drinks vending provision in schools. The study looked at nine schools and as such the results may not be extrapolated across all schools as the success of the project depended on how the school dealt with the implementation.
- v) The results in commercial terms were that nine schools completed the project. After wage costs and a machine lease charge had been taken from gross profit, two made a small loss (over about 20 weeks), two made a small profit (over 10 and 19 weeks, respectively), three made respectable profits ranging from £300-£520 (over 10, 15 and 15 weeks, respectively), and the last two achieved profits of £863 and £1283 (over 18 and 24 weeks respectively).
- vi) There is also the potential cost that the full implementation of the

recommendations may not lead to the desired health benefits. This may be as a result of pupils buying their snacks outside of school. If we look at how the snacks consumed by pupils in a discrete choice model, then a full implementation gives pupils a choice between only healthier food being bought in school against buying their desired snacks outside school. Given such a choice, pupils may choose to buy their snacks outside school. This could be mediated to some extent by promoting healthy eating in schools.

vii) There would also be higher costs to industry as it would have little time to adapt its products to comply with the new regulations.

p. Adopt all proposals in full but delay implementation until September 2007

i) This option carries the same costs as the full implementation in Spring 2007, however industry would have more time to reformulate products and schools would have more time to re-educate their pupils.

ii) There may be the additional cost that the health benefits are delayed.

q. Partial implementation with variations on

i) Confectionery

ii) Drinks

iii) Snacks

i) This would mean the partial implementation of the recommendations of the School Food Trust with variations on confectionery being allowed, extending what drinks were allowed, and broadening the range of snacks that would be admissible.

ii) The move away from less healthy snack foods being sold in schools would lead to some drop in revenue from sales. The precise extent of this would depend on what products were allowed, but we could reasonably expect that any move away from the current range of products would lead to some switch away from purchasing snacks in school to purchasing them outside school.

Unexpected costs and unintended consequences

r. The cost arguments that have been put forward focus mainly around the costs of food and the loss in revenue for schools from banning unhealthy snacks. However, there may be unintended impacts of taking this plan of action which will have associated costs. For example, if vending machines are removed from schools as they become uneconomical, this will also have an impact on the suppliers of the vending machine.

s. If pupils begin to buy all their snacks from outside the school there will be less scope for schools to influence what snacks are bought. If less unhealthy but still appealing products are available in the school there is a lesser incentive for pupils to buy even more unhealthy products outside the school.

Benefits

t. The 'do nothing option'

- i) The benefit of this option is that the confectionery and vending industry will not have to incur any costs in complying with the recommendations of the School Food Trust.
- ii) Schools and vending companies will retain their current levels of revenue from selling snacks through tuck shops and vending machines.

u. Implement all proposals in full by Spring 2007

- i) Full implementation of the recommendations of the School Food Trust will help the promotion to children and young people of good dietary patterns and eating habits by ensuring schools promote a consistent and positive message about food choices. This is predicated on pupils not switching to brought-in unhealthy food. Evidence has shown that although healthier options may be made available, children will not necessarily choose them.
- ii) The application of similar nutritional standards to all meals in schools will ensure that a child consumes a greater amount of healthy, nutritionally balanced food. There is also a greater degree of consistency across all meals served so that together they promote a healthy eating agenda.
- iii) The serving of only snacks that comply with the recommendations of the School Food Trust will further reinforce the message of healthy eating in schools. This can help to set up positive habits that the pupil will continue with outside of school.
- iv) By implementing an across the board ban with regard to a wide range of snacks, this will avoid confusion for schools and their staff with regard to what products can be sold in vending machines and tuck shops and which cannot.

v. Adopt all proposals in full but delay implementation until September 2007

- i) This option gives all the health benefits of full implementation of the SFT recommendations.
- ii) It would also give industry more time to adapt its products to conform with the new regulations.
- iii) There would also be more time for schools to prepare for the changes and to start re-educating children in healthier eating.
- iv) Foods high in salt, fat and sugar would still be banned from school lunches from September 2006, in line with the SMRP recommendations but would be allowed in vending machines at other times of the day until September 2007. This would represent a phased approach with full implementation occurring in September 2007.

w. Partial implementation with variations on

- i) Confectionery**
- ii) Drinks**
- iii) Snacks**

- i) The benefit of partial implementation is that the health benefits from changing the nutritional content of breakfasts and other school meals other than lunch can be realised.
- ii) By allowing a wider range of snacks to be sold in vending machines and tuck shops, there is a greater possibility of maintaining the revenues that schools gain from these sales.
- iii) The wider range of snacks may also have a greater impact on the snacking habits of pupils. By stocking healthy alternatives or more healthy versions of existing snacks there is a much greater possibility of retaining the buying power of pupils within the school. In addition, by not making a dramatic change from very unhealthy snacks to extremely health snacks, this will lessen the propensity of pupils to buy their snacks outside the school where no controls exist.

Costs to Small Businesses

- x. The impact of the recommendations of the School Food Trust on small businesses will be mainly limited to those involved in vending. The reduction in profitability of some vending machines may make them uneconomical to run and thus have an adverse impact on the small businesses that supply them.
- y. The switch away from traditional snack products in vending machines may affect small businesses to a greater degree, as they may be unable to adapt their machines to the new products.
- z. For the small suppliers of snacks to schools, the banning of their existing products may make it extremely difficult to produce products that comply with the recommendations of the SFT.
- aa. If the full recommendations are implemented, the substitution effect of pupils changing their buying of snacks from school to shops outside the school may have a substantial positive impact in increasing sales of snacks from corner shops and newsagents that are in close proximity to schools.

Competition Assessment

- bb. There are two principal markets that will be affected by the proposal. Firstly, there are the caterers who will deal with the application of similar nutritional standards from lunches to all meals that are served in schools. Secondly, there are those who operate the vending machines.
- cc. For **option one**, to carry on as we are, there would be no effect on competition.
- dd. For **option two and three**, the removal of almost all currently available snacks will remove that market from many suppliers. The changes that are proposed could be too much to make reformulation feasible and they may have to abandon the market. This will mean that other firms will enter the market who will be supplying a completely different type of snack. The drinks that will be allowed may be supplied by some existing suppliers who have a broad product range, but again there is the issue of making the market for school drinks completely unavailable to some firms. The changes that would be necessary for their products

to comply would mean that they would have to abandon their core products and start producing products in an area in which they may have little experience.

- ee.** For **option four**, to partially implement the recommendations, there would be some effects on competition for caterers. The introduction of new standards would favour those who have been able to successfully implement the nutritional standards for school lunches and this may be concentrated among larger catering firms. For manufacturers there would need to be a reformulation of products and the development of further products that would meet the nutritional standards for meals served in schools.
- ff.** With regard to vending machines, the impact on competition might be in favour of those firms that already have a presence in the market for vending healthy products. For firms that do not have the range of products to provide healthier alternatives or versions of existing snacks they will be disadvantaged by the proposal. Large firms that already have a number of versions of snacks will be able to easily switch while those firms without such a wide product range will have to engage in reformulation and replacement of products.
- gg.** However, this market is part of a much larger market of vending machines serving all premises and this may further mitigate cost and competition impacts.

Summary and recommendation

- hh.** Doing nothing to limit other food sold in schools is not an option as foods high in salt, fat and sugar would still be allowed in schools other than at lunchtime.
- ii.** A partial implementation of the SFT proposals which allowed variations in confectionery, extending what drinks were allowed and broadening the range of acceptable snacks would lessen the financial impact on schools and the industry but would create confusion over what was and was not acceptable.
- jj.** Full implementation of the SFT's proposals for other school food is essential if we are to reinforce the message of healthy eating in schools and help influence children's eating habits. Infancy, childhood and young adulthood are critical stages in the development of eating behaviours that will affect people's health in later life. The current rise in obesity in adults and children and the associated health risks through consuming too much fat, salt and sugar are resulting in far greater costs to the NHS and to the UK economy and must therefore be addressed.
- kk.** Implementing the SFT's recommendations in full in Spring 2007 will however mean some additional costs to the vending and food and drink industry and could also result in some loss of revenue to schools. We need to give industry more time to adapt products to conform to the new standards and schools more time to prepare for the changes and start re-educating children in healthier eating.
- ll.** The Government therefore strongly recommends **Option 3** – the adoption of all SFT proposals in full but with a delayed implementation date of September 2007

Recommendations of the School Food Trust

1. This report is advice from the School Food Trust to Government on two aspects of school food other than lunch. These are:
 - New nutritional standards for food and drink served in school other than lunch.
 - The application of the food based standards for school lunches to other school food outlets including tuck shops and vending machines.
2. In formulating the advice the School Food Trust has focussed on the normal school activities but excluded charity events and fundraising activities. Our aim is to promote the education and health of children and young people by improving the quality of food available within a school environment.
3. The Trust's advice is the following mandatory standards should apply to all food sold in schools throughout the day:
 - no confectionery should be sold in schools;
 - no bagged savoury snacks other than nuts and seeds (without added salt or sugar) should be sold in schools;
 - a variety of fruit and vegetables should be available in all school food outlets. This could include fresh, dried, frozen, canned and juiced varieties;
 - children and young people must have easy access at all times to free, fresh, preferably chilled, water in schools so that children do not have to depend on going to the lavatory to get water;
 - the only other drinks available should be bottled water (still or sparkling), skimmed or semi-skimmed milk, pure fruit juices, yoghurt and milk drinks (with less than 5 per cent added sugar), drinks made from combinations of these e.g. smoothies, low calorie hot chocolate, tea and coffee. Artificial sweeteners could be used in yoghurt and milk drinks; and
 - every school should have a whole school food and nutrition policy, preferably reflected in its single School Plan.
4. These mandatory food-based standards represent the first step in transforming school food provision. They will be accompanied by further guidance from the School Food Trust which helps schools interpret and translate these standards into positive healthy food services. This guidance will include sample menus and product mixes for different food services, plus good practice case studies. It will recommend that cakes and biscuits should not be allowed at mid-morning break but should be allowed at lunch and after-school meals. See the consultation document for a summary of types of food which would be available at different times of the day.
5. The School Food Trust's view is that while nutrient standards are appropriate for school lunch, it is inappropriate to set standards expressed in nutrient terms for food services for the whole school day. School lunch is a statutory provision provided by professional caterers. Other provision is not a statutory obligation and the emerging picture is of fragmented services with diverse patterns of provision. It became clear that there is less evidence on which to base nutrient standards. There is a danger of overburdening schools and caterers and diluting the future hard work necessary to meet lunch standards.

Background

6. The School Food Trust established a Committee chaired by Paul Kelly to oversee this work. Six members of the Trust served on the Committee and, to provide continuity, all members of the School Meals Review Panel were invited to participate in the evidence taking sessions and early consideration of the way forward. The Committee received considerable co-operation from witnesses from industry, trade associations and voluntary organisations and are very grateful to all concerned. The advice however is the responsibility of the School Food Trust. The Committee determined at the outset that schools should represent an environment where the healthy choice is the easy choice and that the school lunch service should not be undermined by the availability of products outside of lunch that are not healthy. See the consultation document for a list of the members of the Committee and the people and organisations who volunteered evidence.

Priorities

7. In formulating the priorities the Trust was mindful of the obligation on schools and others dealing with children to promote their well being. We have taken account of a number of key health and nutrition priorities:
 - escalating rates of childhood obesity. Since the early 1990s the number of school aged children in England and Wales who are overweight or obese has doubled (1). Approximately a quarter of children are now either overweight or obese (2). This is having a dramatic impact on the prevalence of diabetes. Type 2 diabetes is increasingly being diagnosed in children (3). Obese individuals have a 92 fold increase in risk of diabetes (3).
 - dental health. 53 per cent of 4-18 year olds have dental decay and two thirds of school children have erosion of either their primary or permanent teeth (4). Caries are linked to the amount and frequency of consumption of sugary foods and drinks. Frequent consumption of acidic drinks, increases the risk of dental erosion. The latter includes carbonated soft drinks, juices and squashes (5).
 - future cardiovascular health is linked to high intakes of saturated fat and salt amongst children (6).
 - nutrition. Many children eat poor diets. In particular:
 - sugars provide about 17 per cent of food energy in children's diets (6) compared to a recommended average of 11 per cent. The main source is soft drinks and confectionery;
 - Children eat on average less than half the recommended five portions of fruit and vegetables a day. 1 in 5 ate no fruit at all during a survey week (6);
 - 50 per cent of 15-18 year old girls have inadequate intakes of iron (6);
 - 19 per cent of 15-18 year old girls have inadequate intakes of calcium (6).
 - Many children are not physically active. 3 out of 10 boys and 4 out of 10 girls do not take part in the recommended minimum of 1 hour physical activity. Levels decrease with age, especially among teenage girls (7).
8. After considering these priorities the Committee examined three groups of non-lunch food provision in schools:
 - mid-morning break services provided by caterers;
 - breakfast and after school meals; and
 - vending and tuck shops.

The mid morning break

9. Approximately one third of catering transactions in 96 per cent of secondary schools are now made at mid-morning break (8). These services are run by the same caterer who provides school lunch. Common foods available are sandwiches, filled rolls, pizza slices, sausage rolls, pies, pastries, cakes and biscuits. Some secondary school pupils use mid-morning break as their main meal break of the day. Allowing sales of foods at mid-morning break that are not allowed at lunch time would undermine those standards. So for simplicity and effectiveness we recommend the standards listed in paragraph 3, should apply at mid-morning break. These standards should apply to sales of school food provided by caterers throughout the morning. The Trust will be producing guidance recommending that any products caterers use should meet target nutrient specifications.

Breakfast and after-school meals

10. School breakfasts are provided by a wide range of people including charities, teachers and parents with only a small minority run by school caterers. No data is available on after school meals but as these services develop as a result of extended school hours, a similar pattern of diversity of provision may emerge. As well as promoting the consumption of food before school these services help children and young people from families where parents' working hours extend beyond the usual school day. In view of the diversity of organisation and provision of these food services at either end of the school day, our recommendations for school food standards are expressed in terms that can be readily understood by everyone. We recommend therefore that the core standards should apply to breakfast and after school meals.

Vending and tuck shops

11. Confectionery and bagged savoury snacks are generally high in fat and/or salt and/or sugar. The Government's own healthy eating guidance set out in the 'Balance of Good Health' indicates that these foods may be eaten occasionally and therefore not part of a child and young person's every-day diet. The Committee reviewed ways of distinguishing healthier confectionery and bagged savoury snacks and was encouraged by evidence from the Food and Drink Federation (FDF) and the companies that chose to give evidence to consider restrictions based on Target Nutrient Specifications (TNS)⁶⁷. The Committee welcomed the move industry made during its deliberations, was grateful for the co-operation and wished to build on the goodwill and collaboration shown by the FDF and industry. However it noted there are no Target Nutrient Specifications for confectionery and the Food Standards Agency (FSA) has no plans to develop them. Doing so would take months and cause delay. The results would be difficult for young people, parents, volunteers and school staff to understand and work with as the large majority of these groups will not be familiar with Target Nutrient Specifications.
12. The Committee was conscious of the current work on cross Government guidance on vending in public buildings but felt that schools, as educational settings, have a particular responsibility to set a high example of healthy eating. In addition keeping a central list of

⁶⁷ Target Nutrient Specifications are developed by evaluating the nutrient content of a range of manufactured foods within the same category. Target levels for fat, saturated fat, salt, sugar and protein are then set to for a category of foods. These arbitrary targets are designed to be achievable but challenging and to drive manufactured foods in a healthier direction within categories.

acceptable products and expecting schools to consult government as to what products could be sold would be onerous for schools and incomprehensible to most children and young people, parents and governors. A clear food based approach, banning all confectionery and bagged savoury snacks will promote the health and education of children and young people, be clear and easy to understand.

13. The Trust recommends the same core food standards be applied to food sold from vending machines and tuck shops. By expressing these standards in terms that are easily understood it will be straightforward for a parent, teacher, governor or OFSTED inspector to know whether goods available in a vending machine or tuck shop comply with the standards. There will be questions as to what is meant by “confectionery” and by “bagged savoury snacks”. These can be addressed in guidance and will draw on definitions from the Eurocode - 2 system consistent with the School Meal Review Panel (SMRP) proposals.
14. The FDF, the Automatic Vending Association (AVA) and their members already operate a voluntary ban on vending in primary schools.

Drinks

15. The School Food Trust recommends that free, fresh, preferably chilled, water be easily accessible at all times throughout schools so that children do not have to depend on going to the lavatory to get water.
16. Provision of other drinks was a focus of several of the evidence sessions. The arguments for and against ‘diet drinks’ in schools are set out in detail at Annex D. This includes evidence from industry and the view of dental experts, including the British Dental Association. The evidence from industry was that sales of diet drinks nationally now exceed sales of ordinary colas, that these are safe, and can contribute to minimising the risk of dehydration in children.
17. The overall conclusion of the Trust is that whilst soft drinks containing artificial sweeteners are considered by the Food Standards Agency to be safe and have some benefits in relation to reduced calorie content (compared with sugared drinks), they are not necessary for hydration. Most soft drinks, except for water and milk, increase the risk of dental erosion. This includes flavoured waters which are more acidic and so are likely to be erosive. Likewise the Trust is not persuaded that sports drinks are necessary in the school environment. Fruit juices however have positive nutritional benefits that in the Trust’s view outweigh the erosive risk. In weighing up the balance of arguments, the Trust placed particular importance in schools setting the best possible example to their students in the sorts of drinks they make available across the school day.
18. The Trust’s final recommendations are thus that the only other drinks available should be bottled water (still or sparkling), skimmed or semi-skimmed milk, pure fruit juices, yoghurt and milk drinks (with less than 5 per cent added sugar), drinks made from combinations of these e.g. smoothies, low calorie hot chocolate, tea and coffee. Artificial sweeteners could be used in yoghurt and milk drinks.
19. The SMRP proposal was that milk drinks with up to 10 per cent added sugar be allowed. However the Trust recommends that this limit should be reduced to 5 per cent. The rationale for this is twofold. Firstly the availability of lower sugar milk drinks has increased since the

level of 10 per cent was suggested. Secondly 5 per cent added sugar is in line with proposals for school drinks guidance currently being considered in other countries of the UK.

Impact on sales and revenue to schools

20. The Trust sought evidence on the size of current sales from vending in school and the contribution they make to school budgets. The results are in Table 1 below. These estimates include sales of food and drink which would be allowed under the standards. However some of the vending machines are provided by firms who advise it will no longer be commercially viable to provide and service vending machines under the new standards. In some cases sales of new healthier products such as smoothies are likely to replace them. Although there may be an impact on revenues to both schools and the firms concerned this has to be set against the health, social and educational benefits to children as well as the potential economic benefits to the NHS.

Table 1: Estimated sales and revenues to secondary schools from vending*

	Weekly turnover (inc VAT) per machine	Return to school a year
Snacks	Range £150-£250	Range £900-£1500
Cans/bottles	Range £150-£250	Range £800-£2500

*estimates provided by the Automated Vending Association, January 2006

The case for managing choice

21. To justify these adverse impacts on sales and school budgets robust arguments for helping manage choice need to be made. The case is based on the need to help children and young people establish good dietary patterns and eating habits by ensuring schools promote a consistent and positive message about food choices; and by encouraging parents to do the same. The Trust feels it is vital that messages on the benefits of a healthy diet (and exercise) are not contradicted by the food allowed in school. For children and young people to get all the nutrients required for good health, they need to eat a wide variety of 'nutrient dense' foods every day. Food and drink with little or no nutrient value may be consumed occasionally but should not be unrestricted in schools.

22. Guidance on healthy eating provided by the Food Standards Agency points to:

- eating proportionately larger quantities of fruits, vegetables and starchy foods;
- selecting moderate amounts of lower fat protein sources, such as lean meats, fish and dairy foods; and
- restricting the amounts of foods containing high fat, salt and/or sugar.

23. Translating this to a school environment means increasing the variety of products which centre on fruit, vegetables and starchy foods. This is a massive challenge for school food providers who have come to rely on popular products containing significant amounts of fat, sugar and salt. Case studies illustrate this challenge but also show that schools can work towards and achieve this transformation. See Annex E of the consultation document for case studies.

24. During the evidence sessions some sections of the food industry expressed concern that managing choice could result in an increase in the prevalence of eating disorders in children. The Committee sought the views of an expert in child behavioural psychology and diet. She

reviewed the available evidence and advised the Committee that “healthy eating interventions have either had no effect or a positive effect on disordered eating”.

Experience from other countries

25. Internet searches were carried out to find out whether other countries have developed standards to promote healthy eating for school food provision across the school day. The USA has minimum nutrient standards for school lunches and breakfasts, and has recently increased restrictions on the sales of foods of minimal nutritional value. In 2005, California passed legislation to raise nutrition standards for food sold in schools, including a ban on the sale of sodas on all campuses by 2009, allowing only milk, water, juice and electrolyte drinks to be sold. France went further than this, and in 2005, banned all vending machines selling food or drink in schools.

Better regulation

26. The DfES's Implementation Review Unit has raised a number of issues arising from the 'Turning the Tables' report which are relevant to this advice. The clear and consistent approach recommended above should minimise the extra workload implied for schools, nevertheless an Impact Assessment which estimates the anticipated workload to schools is needed.
27. The requirement to have a whole school food and nutrition policy developed through wide consultation is one of the criteria for being a healthy school. The 2004 Public Health White Paper, Choosing Health says "The Government has a vision that half of all schools will be healthy schools by 2006 with the rest working towards healthy school status by 2009" (page 55). Incorporating a standard which requires schools to have a whole school food and nutrition policy builds on this existing requirement. Encouraging schools to include their whole school food and nutrition policy as part of the single School Plan will help ensure it informs all aspects of school planning.
28. The guidance the School Food Trust is due to produce by May 2006 will need to set out clearly how schools demonstrate whether they are meeting their school food responsibilities. That will be straightforward for the standards recommended here.
29. The Trust believes that by developing a whole school food approach in consultation with parents some of the onus should be put on parents and young people to comply with the policy. Schools need to promote very clear statements about the sort of food that should be bought in and brought to school and address differences of view through consultation with parents, teachers and children.

Views of other bodies

30. The representative from the Association of School and College Leaders (previously Secondary Heads Association) on the Committee favoured building on the "healthier" approach treating industry as a partner. They hope the standards are as succinct as possible to promote a perception that the standards will be easy to implement.
31. The Trust is pleased with the willingness of the Food and Drink Federation (FDF) and its members to adopt healthier practices. However the FDF's preferred option for adopting Target Nutrient Specifications as the way for identifying healthier items to be served in schools would, in the Trust's view, entail delay and be difficult for people working in schools, other than professional caterers, to implement.
32. The estimates of sales from machines provided by the Automatic Vending Association (Table 1 above) assuming an average of 3 machines used for 38 weeks a year in 2,000 secondary schools suggest the total turnover is in the region of £45 m a year. Some of this trade is likely to be displaced to local shops. Phasing in the standards would help them manage the change.

Timing

33. The School Food Trust recommends that all schools should be achieving these standards by early in 2007.

Suzi Leather

**Dame Suzi Leather
Chair**

Evidence submitted is available on request from the:

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