

EXPLANATORY MEMORANDUM TO
THE EDUCATION (NUTRITIONAL STANDARDS AND REQUIREMENTS
FOR SCHOOL FOOD) (ENGLAND) (AMENDMENT) REGULATIONS 2008

2008 No. 1800

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.

2. Description

2.1 These regulations amend The Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007.

2.2 These regulations define low fat milk and clarify the contents of fruit juice provided in schools. They enable the energy and nutrient figures of an average school lunch to be calculated for a group of schools, not just a single school; and separately for schools providing both primary and secondary education, for middle schools, and for single-sex secondary schools.

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

3.1 These amendments take into account comments made by the JCSI in their 3rd Report of Session 2007-08, published in November 2007.

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 amend The Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007.

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 2007 regulations set stricter standards for both food and drink provided in schools. These amendments are intended to help local authorities and schools to meet the standards by defining low fat milk and clarify the contents of fruit juice provided in schools. They enable the energy and nutrient figures of an average school lunch to be calculated for a group of schools, not just a single school; and separately for schools providing both primary and secondary education, for middle schools, and for single-sex secondary schools.

Consultation

- 7.3 Since The Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007 came into force in September 2007 the School Food Trust has piloted the new standards for school food in three primary and eleven secondary schools. Following feedback from the pilots the Trust has recommended some minor amendments to the regulations. These have been accepted by the Department, and are set out in the amending regulations.

Guidance

- 7.4 The School Food Trust have produced guidance to help schools to meet the new standards. Eat Better, Do Better – A guide to introducing the Government’s new food-based standards for all school food other than lunch’, ‘A guide to introducing the new food-based and nutrient-based standards for school food’ and ‘Guide to the new nutrient-based standards in secondary schools’. This guidance can be viewed at www.schoolfoodtrust.org.uk.

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 Food) England Regulations 2006 and The Education (Nutritional Standards and Requirements for School Food) England Regulations 2007.
- 8.2 Impact on the public sector. The new standards for school food introduced by the 2007 Regulations may have had cost implications for school and local authorities, with associated costs for catering providers and the food and drink industry. However, the Government is making available £240m between 2008 and 2011 to help meet increased costs of school lunches. In addition, the School Food Trust has been supporting authorities and schools through guidance and, in the case of the nutrient-based standards, through pilot work with schools to help implement the standards. Furthermore, 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. Schools and caterers are now preparing to comply with the nutrient- based requirements of the 2007 Regulations, and the amendments contained in these amending Regulations should not of themselves increase the costs.

9 Contact

- 9.1 Noreen Graham at the Department for Children, Schools and Families telephone: 0207 925 5613 or email: noreen.graham@dcf.gov.uk can answer any questions regarding the instrument.