

**IMPROVING THE HEALTH
AND NUTRITION OF
SCOTLAND'S CHILDREN:
SCHOOLS (NUTRITION AND
HEALTH PROMOTION)
(SCOTLAND) BILL:
CONSULTATION FINDINGS**

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The Scottish Executive would like to thank everyone who responded to this consultation.

EXECUTIVE SUMMARY

BACKGROUND AND OBJECTIVES

1. The Scottish Executive is developing proposals for legislation to improve the diets and general good health of Scotland's school children. The proposed legislation would place duties and powers upon local authorities to meet nutritional standards for food and drink they provide for school children, promote the uptake of school meals (including free school meals) and ensure schools are health promoting environments.

2. In order to inform the development of the legislation, the Scottish Executive conducted a consultation on the proposals between 4 May and 31 July 2006. The consultation document was sent to a wide range of stakeholders (see Annex 1). The focus of the consultation was on the 6 key elements of the proposed legislation:

- a duty for local authorities to ensure that food and drinks which they provide in schools, including nurseries, meet defined nutrient standards
- setting defined nutrient standards for food and drinks arranged or funded by local authorities for children attending independent schools
- a duty on local authorities to promote the uptake of school meals in their schools, including free school meals
- a duty upon local authorities to ensure that those taking free school meals can do so anonymously, as far as practicable
- a power for local authorities to provide children in local authority schools with free drinks, fruit, vegetables, bread or cereal based snacks which meet defined nutrient standards
- a duty being placed upon Scottish Ministers and local authorities to endeavour to ensure that all local authority schools are health promoting schools.

FINDINGS

3. There were 371 submissions received from a wide range of stakeholders. Most respondents were from the broad education sector (42%), individuals (23%) and health related stakeholders (15%).

4. Respondents were very supportive of the legislation, with 96% being positive towards the proposals overall, 1% negative and 3% neutral.

5. There were also very high levels of support for each of the 6 individual elements of the legislation. No more than 4% of respondents disagreed with any one of these elements.

6. A significant proportion of respondents provided additional comments on the individual proposals. These centred on suggested changes to the proposed legislation and its practical

and financial consequences. A wide variety of comments were raised under these themes, but a number of recurring issues were identified.

7. In particular, views were expressed on suggested changes to the proposed legislation or clarification of the provisions of the proposed legislation. These included:

- bans or limitations on some foods and drinks banning (or at the very least) limiting mobile food vendors in or near schools
- extending the nutrition standards to cover food brought into school by pupils
- also making private sector pupils subject to the provisions and powers of the legislation
- extending the remit of schools to promote good health and nutrition standards beyond the school premises and extending, or linking, the Bill to other initiatives on nutritional standards and health promotion, particularly the need for more physical activity (or play time in the case of younger children)
- extending the provision of free school meals to everyone to ensure all have the same opportunities for healthy eating and to avoid the potential stigma currently attached to claiming them
- tightening up the terminology used in some places to show a genuine commitment to improving healthy eating.

8. The key practical implications of the legislation were felt to be:

- the need for central monitoring of food and drink brought to school and on the effective promotion by schools and local authorities
- the need to draw up a list of the kinds of food and drink to be served for schools to refer to (including the use of fresh, organic and/or locally sourced foods)
- the need to accompany its implementation with the teaching of cookery skills, home economics and principles of good health (including to parents and carers)
- determining the most appropriate access times to consume free drinks, fruit, vegetables, bread or cereal based snacks in school hours and ensuring that the level of access did not lead to risks to oral health
- the issue of the source of the additional funding that would be required.

CHAPTER ONE INTRODUCTION

BACKGROUND

1.1 Many people in Scotland face serious health risks because they do not eat a healthy diet and because they are not active enough. As part of the wider policy framework for improving Scotland's health, the Scottish Executive is developing proposals for legislation to improve the diets and good health in general of Scotland's school children. The legislation will help to improve the health of young people in Scotland by ensuring that food and drinks supplied in schools are healthy and by ensuring that all local authority schools are health promoting environments. Strategies to improve the health of children and young people have been particularly well received and are being implemented across Scotland. The proposed Schools (Nutrition and Health Promotion) (Scotland) Bill will ensure that practice is brought up to a uniformly high standard across the country.

1.2 A consultation on the proposed legislation was launched on 4 May and ran until 31 July 2006. The consultation process sought views on the elements and implications of the proposed legislation, these being:

- a duty being placed upon local authorities to ensure that food and drinks which they provide in schools, including nurseries, meet defined nutrient standards
- setting defined nutrient standards for food and drinks arranged or funded by local authorities for children attending independent schools
- a duty being placed on local authorities to promote the uptake of school meals in their schools, including free school meals
- a duty being placed upon local authorities to ensure that those taking free school meals can do so anonymously, as far as practicable
- a power for local authorities to provide children in local authority schools with free drinks, fruit, vegetables, bread or cereal based snacks which meet defined nutrient standards
- a duty being placed upon Scottish Ministers and local authorities to endeavour to ensure that all local authority schools are health promoting schools.

1.3 The consultation process also sought any other views on any aspect of the consultation.

1.4 The consultation document, available on the Scottish Executive website (www.scotland.gov.uk/consultations) comprised 7 questions, 6 of which were closed (yes/no responses), although respondents were asked to comment if they wished. Key stakeholder groups were sent a copy of the document directly. In addition, a number of consultation events were organised by partners and stakeholders and combined responses were received from these.

RESEARCH OBJECTIVES

1.5 The objectives of the analysis of the responses are:

- to analyse the written responses (paper and electronic) to the consultation document
- to produce a database (in Excel) of responses to enable analysis to be made by question or respondent group as appropriate
- to identify the main interest groups responding to the consultation and groups where the response has been low
- to carry out an analysis of responses by question and respondent
- to identify how many respondents support or oppose the proposals, including analysing by respondent group
- to identify common themes that emerge during the analysis
- to highlight contradictions and anomalies that emerge during the analysis
- to incorporate any comments on the consultation process into the analysis report.

METHODOLOGY

1.6 The method of analysing the results involved a number of stages:

- responses were coded to establish whether respondents wished themselves and/or their views to be treated in confidence
- each respondent was allocated to a respondent category to allow responses to be analysed by different groupings of stakeholders. A listing of these categories and the organisations, groups or individuals that are contained within them may be found as Annex 1
- all data was entered to an Access database. Closed questions were allocated yes/no response codes and open text responses were allocated codes to define common categories of issues raised between respondents
- where no response was given to a yes/no question, support or opposition to the proposal was established from any additional comments made and then only where those comments clearly made it possible to identify support or opposition. Where that was not possible the response was coded under the final 'any other comments' question
- in addition to establishing support or opposition to particular elements of the proposed legislation, an additional code was allocated to assess whether consultation responses were generally negative, positive or neutral in their views of the proposed legislation overall.

CHAPTER TWO FINDINGS

INTRODUCTION

2.1 This section presents an analysis of the 371 stakeholders who responded to the consultation. The structure of the description of the findings is as follows:

- profiling information on respondents
- level of response by category of respondent
- response rates by category of respondent
- overall level of support for the proposals
- level of support for individual proposals (overview)
- overview of the additional comments received
- description of the responses to individual consultation questions.

RESPONDENT PROFILING INFORMATION

2.2 Of the 371 responses, 74% received were hard copy submissions and 26% were in an electronic format.

2.3 Fifty nine percent responded on behalf of a group or organisation and 41% responded as an individual.

2.4 There were no formal objections to the proposed legislation and no one commented on the consultation process.

2.5 Fifty four percent of those responding as an individual agreed to their response being made available to the public. Of these:

- 46% agreed to make their response available but not their name or address
- 28% agreed to make their response and name available, but not their address
- 27% agreed to make their response, name and address available.

2.6 Sixty seven percent of those responding on behalf of a group or organisation agreed to make their response available to the public.

2.7 Amongst all respondents, 55% were content for the Scottish Executive to contact them again in the future in relation to their consultation response.

LEVEL OF RESPONSE BY CATEGORY OF RESPONDENT

2.8 In broad terms, the largest number of responses were received from the education sector¹ (42%), individuals (23%) and health related stakeholders² (15%). There was, however, representation of views from all but two groups of stakeholders consulted, those being ethnic minority representatives and other equal opportunity representatives. The number of responses from each category of stakeholders are shown in Table 2.1 below.

Table 2.1 Responses by category of respondent

Stakeholder category	Numbers of responses
Individuals	87
Health Stakeholders	46
Primary School Pupils	44
Primary Schools	34
Secondary Schools	27
Other Education Stakeholders	21
Other Stakeholder Organisations	21
Directors of Education/Education Depts.	15
Nursery Schools	12
Representing the Interests of Children/Young People	10
Other Local Authority Departments	8
Dental/Oral Stakeholders	8
Other Inclusion Stakeholders	6
Employer Representatives	6
Parents	5
Food Manufacturers and Suppliers	5
Catering Managers	3
Political Representatives	3
Parent Support Groups	3
Secondary School Pupils	2
Social Work Services	2
Independent Schools	1
Disability Stakeholders	1
Religious Groups	1

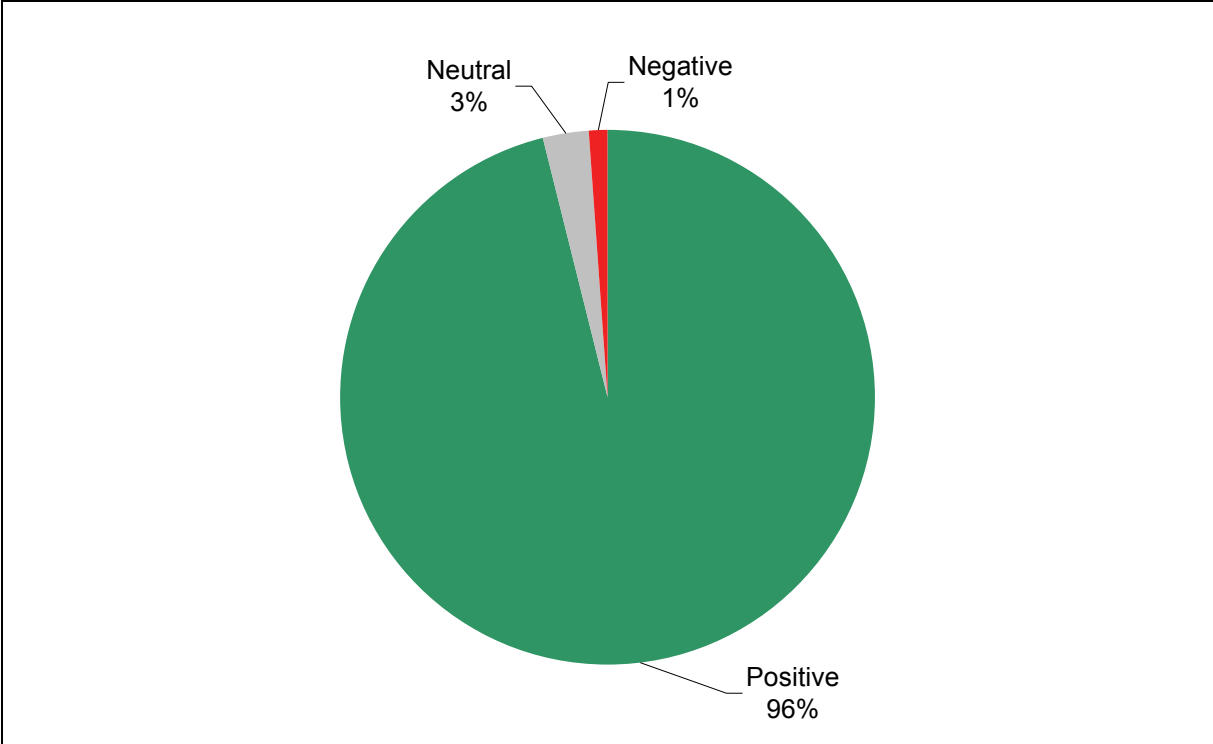
¹ The education sector comprises primary schools, primary school pupils, secondary schools, secondary school pupils, independent schools, nursery schools, directors of education and/or local authority departments with responsibility for education and other education stakeholders.

² Comprising health stakeholders and dental/oral stakeholders.

OVERALL LEVEL OF SUPPORT FOR THE PROPOSALS

2.9 As Figure 1 below shows, respondents were overwhelmingly in favour of the proposed legislation overall, with 96% being positive, 1% negative and 3% neutral.

Figure 1 Overall response from stakeholders on the proposals



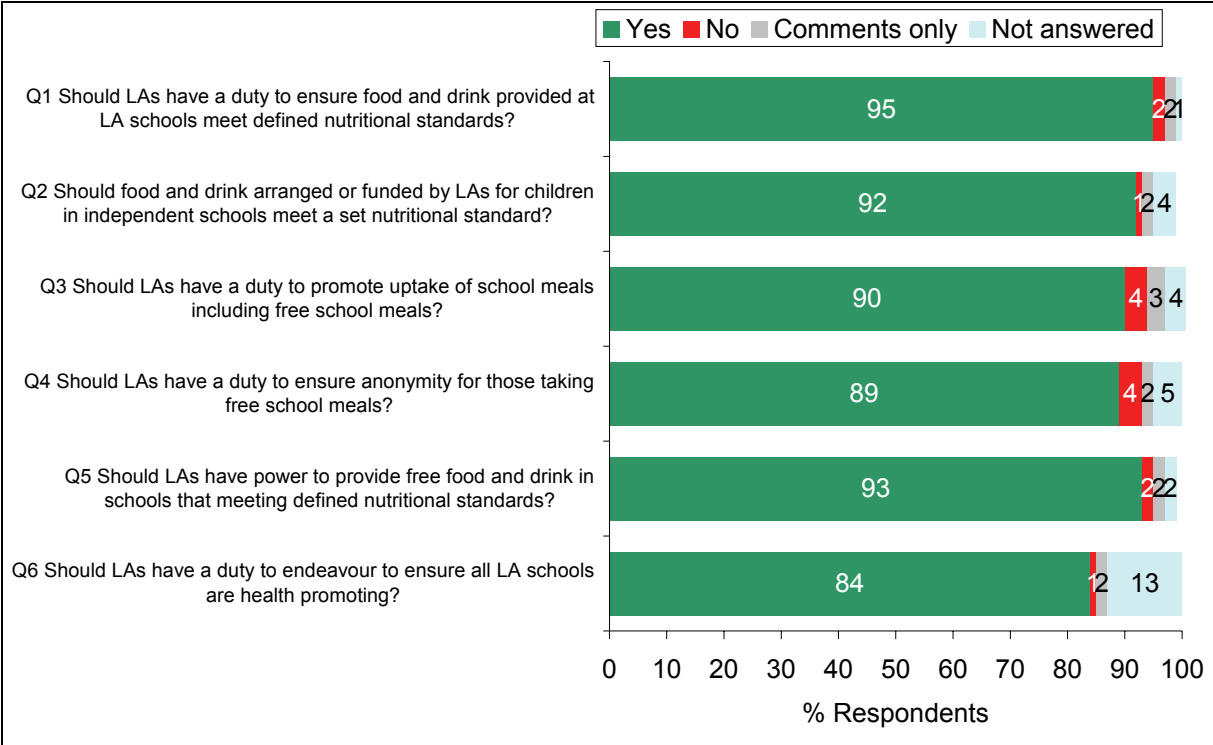
Base: all respondents (371)

2.10 There were no noteworthy variations in the views expressed by different categories of stakeholders, except that amongst the 6 employer representatives, the overall views of two respondents on the proposals were neutral.

SUPPORT FOR INDIVIDUAL PROPOSALS: OVERVIEW

2.11 There was a very high level of agreement with the 6 yes/no questions used to gauge support for the individual aspects of the proposed legislation as Figure 2 below shows.

Figure 2: Responses to individual consultation questions



Base: all respondents (371)

2.12 Figure 2 shows that:

- the vast majority of respondents answered all 6 questions, but with a lower response rate for question 6
- no more than 4% of respondents disagreed with any one the proposals
- the highest agreement rating was 95% for question 1 (duty to ensure that food and drink served at local authority schools meets defined nutritional standards). The lowest agreement rate was 84% for question 6 (duty for Local Authorities to endeavour to ensure all Local Authority schools are health promoting).

2.13 Although the lowest level of agreement (84%) was with question 6, this was due to the relatively high proportion of respondents who did not answer this question. If only those who responded are counted, the proportion that agreed with the question rises to 97%.

2.14 At the level of individual stakeholder groups, there were very few instances where any disagreed with the proposals. These will be highlighted in the analysis of the individual questions below where relevant.

ADDITIONAL COMMENTS RECEIVED: OVERVIEW

2.15 A significant proportion of respondents made additional comments to each of the 6 questions posed. In addition, as question 7 was a wholly open question where respondents could make additional comments, almost two thirds of all respondents took the opportunity to do so. The proportions making additional comments were:

- 30% question 1
- 23% question 2
- 34% question 3
- 32% question 4
- 37% question 5
- 28% question 6
- 62% question 7.

2.16 A key feature of the consultation responses was the very wide variety of additional comments made. However, four main response themes were identified. The presentation of findings on each consultation question uses these headings to categorise the views made about the proposals. These are:

- suggested changes to the proposed legislation
- implications of implementing the legislation
- financial implications
- other comments.

2.17 The balance of comments between these 4 themes varied between each of the questions:

- the greatest number of comments on questions 1 and 2 were about suggested changes to the proposed legislation (raised by 77% and 73% of respondents who gave additional comments on these two respective questions)
- most comments in relation to questions 3, 4 and 7 centred on the implications of implementing the legislation (raised by 75%, 75% and 73% of respondents who gave additional comments on these three questions respectively)
- there were fewer comments on the financial implications of the proposals. The most it was raised was in respect of question 5 (34% of respondents who commented)
- between 5% and 21% of respondents made comments on other aspects of the proposals.

RESPONSES TO INDIVIDUAL QUESTIONS

2.18 This section presents a more detailed analysis of the responses to each of the seven consultation questions.

QUESTION 1

Do you agree that local authorities should be under a duty to ensure that food and drinks which they provide in their schools, including nurseries, meet defined nutrient standards?

2.19 Ninety five percent of respondents agreed with the statement, 2% disagreed and a further 2% did not answer the question but supplied comments; 1% did not answer the question. There was very little variation in the levels of support for the duty between the different stakeholders. One of the 8 other local authority departments and 2 of the 6 employer representative groups disagreed.

2.20 A total of 113 respondents (30%) supplied additional comments in relation to this question. The comments were mainly in respect of suggested changes to the proposed legislation and on the implications of implementing it. The breakdown of the comments by theme was as follows (the percentages refer to the proportion of respondents who supplied comments):

- 77% suggested changes to the proposed legislation
- 51% implications of implementing the legislation
- 12% financial implications
- 10% other comments.

2.21 There were a wide variety of comments made on this aspect of the proposed legislation. The main areas of comment related to improving the effectiveness of the proposed legislation and the implications of implementing it. Some comments focused on banning or limiting access to certain types of food in school or brought to school. Some of the comments related to measures to restrict access to unhealthy food and drinks. The first quote is from an individual, the second from a health stakeholder.

“I think there is a need for an authoritarian approach. If you provide chips and burgers a couple of days a week then you will never change habits”.

“Guidelines would be particularly beneficial to ensure provision out with school meals, particularly tuck shops and vending machines where food and drinks high in fat, sugar and salt continue to be sold in a number of schools. This also needs to extend to food and drink sold within canteens which are not covered by Hungry for Success recommendations”

2.22 However, several warned of placing too many restrictions, as the following quotes indicate:

“Should this proposed bill take the view that further restrictions in what is now acceptable by pupils at lunchtime to a more draconian choice will result

in a further decline in the school meal uptake". (Local authority catering service).

"...A balanced diet should include fats and carbohydrates, (for example chips) as well as the 'good' nutrients like protein, vitamins and iron. A balanced diet does not mean completely banning sugar and fat. If children are denied the pleasure of fried food or cakes in school then they will get them elsewhere. It is perfectly normal to eat these as part of a balanced diet so long as that diet also includes fruit and vegetables. Going to the extreme never works – children are not attracted by the so-called healthy meal of lentil curry as seen in a school in England". (Other stakeholder in education).

"Meeting defined standards would be helped by clear product specification rather than taking a blanket approach for all products". (Health stakeholder).

2.23 There were also concerns about access to mobile vendors in or near schools. As one local authority stated:

"As an authority we do not have any powers or flexibility to ensure unhealthy outlets such as 'burger, ice-cream and snack vans' are not immediately accessible to children and young people". (Local authority in a community planning health promotion capacity).

2.24 There were a number of comments around including links between nutrition and other methods of promoting health as well as extending the health promotion beyond the schools themselves.

"In developing all our schools as health promoting schools, it is necessary that the whole environment of our schools supports the healthy eating curriculum." (Health stakeholder).

"There is a need for wider community involvement with the same guidelines applied to sports and community centres". (Other local authority department).

2.25 The main implication mentioned in relation to the implementation of this duty was the need to monitor compliance with any regulations introduced. Another key consequence of the duty was the financial implications for schools. One organisation indicated that a change in food and drink served at school may lead to revenue falls as fewer pupils may take meals which are different from previously. Several comments suggested that present budgets would not be adequate to meet the delivery of services resulting from the duty.

2.26 On other aspects of implementing the legislation, the key themes were suggestions on the types of food and drink to serve at schools, mainly suggested by primary school pupils from one school. It was also suggested that food and drink initiatives needed to be more linked to teaching children about good health in general and in extending the reach of initiatives beyond the school gates to involve parents and/or promote healthy eating and good health in general amongst parents.

2.27 Amongst the respondents who gave comments about question one, the main issues raised were as follows:

- suggested changes to the proposed legislation:
 - 24% placing bans or limitations on some foods
 - 14% including food and drink brought to schools
 - 13% banning or limiting mobile fast food outlets near schools
 - 12% extending schools’ role in health promotion beyond schools
 - 11% making links between food and other methods of promoting health
 - 7% specific foods to include/ban
 - 5% relationship with “Hungry for Success”.
- implications of implementing the legislation:
 - 10% suggestions on the types of food and drink to serve
 - 9% fresh/organic/local ingredients should be sourced
 - 8% ensure parental involvement
 - 7% teach about good health
 - 5% checks on food and drink brought into the school
 - 5% well trained, inventive and motivated cooks/caterers required.
- financial implications:
 - 12% funding of the proposals.
- other comments:
 - none mentioned by more than 5% of respondents.

Variations by Stakeholder Groups

2.28 There was some variation amongst the issues raised by different groups of stakeholders.

Suggested Changes to the Proposed Legislation

2.29 Banning or limiting certain types of food and drink brought to school was a response made mainly by the non-school based education sector, catering managers and those representing the interests of young people.

2.30 Within the education sector, views on banning or limiting certain types of food were made mainly by nursery schools and secondary schools.

2.31 The issue of including private sector education in the bill was raised by nursery schools, Directors of Education, catering managers and health stakeholders only.

2.32 Discouraging or banning mobile fast food vendors was a key concern of education departments in local authorities, catering managers, dental/oral stakeholders and those representing the interests of young people. It was not raised by any schools.

Implications of Implementing the Legislation

2.33 One of the 3 primary school submissions raised the issue of checking food and drink brought on to school premises.

2.34 Teaching about good health was not raised by any educational sector stakeholders. However, it was a major theme of responses received especially from dental/oral stakeholders, but also from other social inclusion stakeholders and individuals.

2.35 The ingredients used was a major theme of responses from other education stakeholders, those representing the interests of young people and food manufacturers/suppliers.

Funding of Proposals

2.36 The issue of funding was raised mainly by other educational stakeholders, other local authority education departments and other stakeholders.

QUESTION 2

Where children are attending independent schools, and where the provision of food and drinks are arranged or funded by a local authority, should the food and drinks meet defined nutrient standards?

2.37 Ninety two percent of respondents agreed with the statement, 1% disagreed, a further 2% did not answer the question but supplied comments and 4% did not answer the question. There was very little variation in the levels of support for the proposal between the different stakeholders.

2.38 A total of 84 respondents (23%) supplied additional comments in relation to this question. The comments were mainly in respect to suggested changes to the proposed legislation and on the implications of implementing it. The breakdown of the comments by theme was as follows (the percentages refer to the proportion of respondents who supplied comments):

- 73% suggested changes to the proposed legislation
- 37% implications of implementing the legislation
- 5% financial implications
- 12% other comments.

2.39 By far the main issue raised by respondents (45%) was that the legislation should apply to all pupils regardless of whether they are in state or private education.

“It would seem inequitable for local authorities not to be required to meet the same defined nutritional standards for food/drinks they supply to Independent schools.” (Other education stakeholder).

“It is accepted that food provided for children needs to be of the highest standards and this argument surely applies whatever the funding status of the education institute they attend. Local authorities should therefore aspire to the highest standards for all pupils.” (Inclusion stakeholder).

“Clearly the same standard should be expected in independent schools, including those which cater for children with special educational needs, as in local authority schools.”(Local authority education department).

2.40 In addition comments reiterated the views expressed in relation to the first consultation question on extending the school’s role in health promotion outwith schools, teaching good health and suggestions on what types of food/free food to serve and links between food and other health promotion methods. The other key issue around implementing this aspect of the legislation was its potential to stigmatise local authority funded pupils, particularly if they are eating different foods from their classmates. The following quotes are from two health stakeholders and a local authority education department.

“We would also welcome nutrient standards for any child/ young person in any educational establishment – independent schools, children and families centres, early years centres etc.”

“It may be helpful to consider raising the profile of the importance of good nutrition, in particular emphasising the links between good nutrition, behaviour in the classroom and at home and educational attainment. NHS Health Scotland could be instrumental in supporting this action.”

“This needs to be backed up with effective health/nutrition education and work with parents.”

2.41 Amongst the respondents who gave comments about question 2, the main issues were:

- suggested changes to the proposed legislation:
 - 55% private as well as public sector pupils should be subject to the same legislation
 - 6% links between food and other methods of health promotion
 - 5% extend the school’s role of health promotion beyond schools.
- implications of implementing the legislation:
 - 9% potential to stigmatise local authority funded pupils
 - 8% involvement of parents
 - 7% use of organic/fresh and/or locally sourced foods.
- financial implications:
 - none mentioned by more than 5% of respondents.
- other comments
 - none mentioned by more than 5% of respondents.

Variations by Stakeholder Groups

2.42 There was little variation across stakeholder groups about the need to make all public and private sector pupils subject to this legislation. Of the 47 respondents who commented on this point 40 were in favour of including the independent sector in the proposed legislation. The remaining 7 made comments confirming the inclusion of local authority funded pupils in independent schools or sought clarification on the scope of the proposed legislation.

Typically, where only one respondent for a particular group commented, this is the point they raised. Health sector and the broad education sector stakeholders accounted for most of the 46 comments made in relation to this point, 17 from health and 11 from education, including 5 of the 8 Directors of Education who made comments on question 2.

QUESTION 3

Should local authorities be under a duty to promote the uptake of school meals in their schools, including free school meals?

2.43 Ninety percent of respondents agreed with the statement, 4% disagreed, a further 3% did not answer the question but supplied comments and 4% did not answer the question. Ten of the 15 respondents opposed to the proposal came from the education sector.

2.44 One hundred and twenty five respondents (34%) supplied additional comments in relation to this question. In contrast to comments on the previous two questions, comments in this instance were mainly in respect to the implications of implementing the legislation and the suggested changes to the proposed legislation. The breakdown of the comments by theme was as follows (the percentages refer to the proportion of respondents who supplied comments):

- 59% suggested changes to the proposed legislation
- 75% implications of implementing the legislation
- 29% financial implications
- 9% other comments.

2.45 On the theme of implementing the legislation, there were a range of comments centred on the lack of physical capacity and other resources of schools to deliver and how to address them subject to limited resources. Comments on these issues included having a staged approach to the introduction of the provisions, two or more sittings, longer queues, length of lunch break, size of dining rooms, supervision, cash handling, service delivery, training, organisation, and staffing. The following quote is from a local authority catering manager:

“Capacity constraints in the dining room may mean that we will have to change how we operate our lunch service to cope with demand, for example having two sittings for lunch. Staff costs will increase as a result.”

2.46 Linked to this were views expressed about encouraging greater uptake through the dining environment, food served and means of promoting increased uptake including involvement of students. The following quotes are from a health stakeholder and an individual:

“Accommodation for dining needs to be appropriate to ensure that children and young people can take a school meal in comfortable surroundings. Currently in some schools in Highland there is no available space for all schools to take a school meal in suitable surroundings, queues would be so long that time would prevent everyone being able to be served”.

“Facilities within schools may not be spacious enough to cope with larger numbers of children, creating longer queues, making the eating environment less pleasant”.

2.47 This naturally linked to comments on the costs of the duty, the need for additional funding to finance cost increases (eg staff time and physical capacity) and the implications of funding shortages. The following two quotes, one from a religious organisation and the other from a local authority education department, illustrate these points:

“We are concerned that the sections of the consultation paper which deal with funding do not seem to offer any increased funding for this, which seems to undermine the expressed aim”.

“This new duty should recognise that an increase in uptake is likely to follow upgrading or new facilities, and funding constraints means this cannot happen all at once, but is a staged process closely linked to Estate Management Planning. Therefore, without additional resources, this will be a long process”.

2.48 One council catering manager, however, did indicate that there could be increases in revenue from more pupils taking school meals:

“If the increased uptake is with pupils who pay for their meals, then the level of income received from meals will also increase as well as operating costs”.

2.49 Another implementation issue raised was the need to involve and consider parents in the actions taken to promote school meals and to maintain their rights to choose whether and what their children eat and drink at school, as the quotes below indicate:

“Given that less than half of all pupils in primary and secondary schools across Scotland choose to take a school lunch, more must be done to offer advice and practical suggestions to encourage parents to include healthier food and drinks in packed lunches”. (Health stakeholder).

“Parental choice is an important principle. Some parents would prefer to provide their children with a packed lunch and they should have the right to do so without pressure. The average cost of a school meal is £1.77. For some families whose income is just above the threshold for free school meals this could be too expensive. Parents with several children at school could provide a healthy packed lunch for much less than £1.77. Parents may also prefer to have control over the food selected by their children through the course of the day in order to assist with planning the evening meal. Some families would much prefer to sit down in the evenings as a family for their main meal. It is important to respect parental choice in the area of healthy eating.” (Other local authority education department).

2.50 The need to maintain the anonymity of those taking free school meals was raised as were previously cited comments on linking nutrition to the wider promotion and teaching about good health in school and including parents in initiatives.

2.51 A number of submissions commented on free school meals in the context of this question. This included references to the value of free school meals and the need to promote uptake amongst those entitled to them. A number of submissions suggested that all school meals be free to all pupils. The reasons given varied and included, to encourage health eating, to avoid potential stigmatisation of those entitled to them under current eligibility criteria and to reduce administration of costs of charging pupils for meals. The following two quotes from an education stakeholder and an ‘other’ stakeholder illustrate:

“..all pupils should be offered free school meals every day, so to encourage all pupils to eat a healthy lunch and in the school. Many children do not have the luxury of eating healthily in their home environment, so by offering free school meals to all, then this would mean that all children would be getting at least one nutritional meal a day”.

“[The organisation] believes that universal entitlement to free school meals is the best way of ensuring a high take up of school meals. We also feel it is essential because it: Removes the stigma (and related social and psychological impact) of only those on the lowest incomes being entitled to free school meals, thereby increasing uptake: Promotes the concept of equality of opportunity, social inclusion and removes a recognised potential cause of bullying, or simple, yet distressing, ‘feeling of difference’ which affects children’s self esteem.”

2.52 Amongst the respondents who gave comments about question 3, the main findings were as follows:

- suggested changes to the proposed legislation:
 - 19% universal free school meals
 - 10% make links between food and other health promotion methods
 - 7% bans or limitations on fast food vans near schools
 - 6% include food and drink brought into schools
 - 5% extend the role of health promotion beyond schools.

- implications of implementing the legislation:
 - 23% physical capacity of schools to cater for increased uptake of school meals
 - 14% environment should be clean/attractive to encourage healthy living
 - 14% parental involvement
 - 11% encouraging children to stay on school premises for meals
 - 11% teaching about good health
 - 7% suggestions on types of food/free food to serve
 - 6% maintaining anonymity of those taking free school meals
 - 6% potential to stigmatise pupils
 - 5% suggestions on types of food to serve.

- financial implications:
 - 26% funding of the proposals.

- other comments:
 - none mentioned by more than 5% of respondents.

Variations by Stakeholder Groups

2.53 There was some variation amongst the issues raised by different groups of stakeholders. The issue of free school meals was not raised by schools or Directors of Education, but in the main by other educational stakeholders and other local authority departments.

2.54 Most of the other issues were raised in the main by education departments and health stakeholders.

QUESTION 4

Should local authorities be under a duty to ensure that those taking free school meals can do so anonymously, as far as possible?

2.55 Eighty nine percent of respondents agreed with the statement, 4% disagreed, a further 2% did not answer the question but supplied comments and 5% did not answer the question. Amongst those who answered the question there was almost universal support for the proposal. Eleven of the 16 opponents were primary school pupils from the same school.

2.56 A total of 120 respondents (32%) supplied additional comments in relation to this question. A high proportion of respondents (75%) raised issues surrounding the implications of implementing this aspect of the legislation. The breakdown of the comments by theme was as follows (the percentages refer to the proportion of respondents who supplied comments):

- 42% suggested changes to the legislation
- 75% implications of implementing the legislation
- 23% financial implications
- 10% other comments.

2.57 Most comments centred on the importance of maintaining anonymity, the effects of not doing so and the means of ensuring it:

*“...no child should ever be made to feel different or 'poor' in our schools.”
(Primary school).*

“Local authorities should have a duty to reduce any social stigma associated with the free school meals. Especially as children and young people can be unduly influenced by negative peer pressure, so children receiving free school meals should not be made to feel different from other pupils.” (Health stakeholder).

“Free school meal entitlement (FSME) is still not at its optimum for various reasons. Stigma and discrimination may play a part in this therefore.” (Health stakeholder).

“Although there is no definitive research in the area, we accept that stigma exists as a real issue for many families. We note from the annual statistics on

school meals in Scotland that in addition to variable rates of registration for school meals, there are also variable rates of take-up amongst those both eligible and registered (from 76% to 98%) and stigma may be a contributory factor in this. Hungry for Success adopted the principle of eliminating stigma yet still only 33% of schools have anonymous systems for claiming free school meals. Again progress has been made but this duty will help to ensure standards across the board.” (Inclusion stakeholder).

“One in three Scottish school children who are entitled to free school dinners do not take them and it is very likely that this is due to stigma.” (Organisation representing the interests of children and young people).

“It is worrying that, in spite of the progress made since the advent of Hungry for Success, 30% of those pupils who were entitled to a free school meal did not take it. It is imperative that the system of delivering free school meals is entirely anonymous, and we remain concerned that this isn’t currently being achieved.” (Health stakeholder).

2.58 In this respect a few felt that “as far as is practicable” needed clarification or removal. The following quotes are from a health stakeholder and from an oral/dental health stakeholder:

“All barriers to accessing free school meals for those who are entitled should be removed and therefore we feel it is essential that local authorities should be required to ensure anonymity. To reinforce this position we feel the clause ‘as far as practicable’ should be removed.”

“We would like to ask for further definition as to what is meant by ‘as far as practicable’.”

2.59 A number of respondents mentioned a free and cashless school meals system to achieving this objective and several recommended a swipe card method.

“I do not believe it is possible to make this process entirely anonymous - making school meals free for all would be the simplest way.” (Primary school pupil).

“The smart cards distributed through the Young Scot initiative have been shown to be an excellent means of ensuring anonymity, and has resulted in an increase in uptake.” (Health stakeholder).

“Card payment system allows complete anonymity.” (Secondary school).

“I realise it is expensive but I believe a swipe card method of payment for school meals would help eliminate the difference between those who do and don't pay, thus increasing uptake.” (Individual).

“...to address this duty within secondary schools will require greater investment to develop systems, such as cashless catering, that will maximise pupil anonymity” (Other local authority department).

“The programme Hungry for Success has encouraged a number of innovative practices, particularly in the uses of modern technology to achieve anonymity, and these should be rolled out nationally.” (Local authority education department).

2.60 Several respondents commenting on the inclusion of free school meals as part of the legislation did so from the point of view of making all pupils eligible for them, which would remove any potential stigma. The quote below is from an ‘other’ stakeholder:

“...we believe that the provision of universal free school meals would be the best way of eliminating the stigma attached to the taking up of free school meals.”

2.61 Several responses were concerned with the costs of the initiative. This included the increased costs associated with the rising proportion of those entitled to free school meals and the costs of cashless systems to ensure anonymity.

“Funding needs to be provided to widen the eligibility for free school meals.” (Health stakeholder).

“...this has to be understood as a part of a staged process to allow for the funding of technology for swipe cards. Better still, additional funds would be made available from the SE to bring in the technology immediately. Not only does this technology offer pupils anonymity, but it also offers opportunities to reward balanced choices of different foods, and stigma free breakfasts at no cost to the most vulnerable pupils.” (Health stakeholder).

“...it should be noted that the costs of introducing smartcards or other technology, in order to enable anonymous uptake, are very significant. It is not accepted that current funding is sufficient.” (Local authority education department).

“The cost of implementing this cashless catering system in Midlothian is in the region of £20,000 in High Schools and £6000 in Primary Schools plus the annual maintenance costs of around £4000 for High School and £1800 in Primaries. Further funding will be required to establish this or similar systems into all Schools.” (Local authority catering manager).

“...the consultation appears to make a number of false assumptions on how this may best be achieved. For example, implying that evidence suggests that the introduction of swipe/smart card systems will lead to increased uptake levels and that subsequently the caterer should bear part of the cost of its introduction. The Association and its members can find no evidence to support this view and with this in mind it should be recognised that the mandatory introduction of such schemes across all schools will require significant funding. Swipe/smart card systems do have a role to play in some service environments and have already been utilised by a number of providers. However, local context is vitally important and it should never be assumed that one size fits all or that its introduction will necessarily bring the same benefits

to one area as opposed another. Set up costs and provision of ongoing maintenance must be effectively costed and resourced at the outset.

“Swipe systems have high maintenance costs.” (Other stakeholder).

2.62 One respondent also expressed concern about the potential for funding free school meals to lead to poorer quality:

“It [free school meals] was felt to be a good way to ensure anonymity but would be hugely expensive with the potential to reduce quality.” (Individual).

2.63 Amongst the respondents who gave comments about question 4, the key views expressed were:

- suggested changes to the proposed legislation:
 - 23% free school meals
 - 6% terminology used in the consultation document.

2.64 This was both the need for free school meals for everyone to be part of/accompany the legislation to avoid potential stigma (as discussed above) and – where respondents were not suggesting extending them to all – the requirement for a review of who was eligible:

“The registration system for free school meals needs to be considered. It was agreed that the scheme should be reviewed and extended as a considerable number of low income families are exempt from the scheme at present. It is recommended that the threshold for application should be increased.”(Individual).

“Entitlement to free school meals should be extended to all those families in receipt of maximum Child Tax Credit and any Working Tax Credit. Extending eligibility to all children and families on maximum Working Tax Credit would also contribute to removing barriers to entering employment. Furthermore, we urge the Executive to consider of extending entitlement to all children in families in receipt of more than the family element of Child Tax Credit. This is used as the qualifying benefit for the SureStart maternity grant, so it already is accepted as a mechanism for identifying those families who require additional financial support with bringing up children. It would particularly benefit larger families, who are at increased risk of poverty.” (Organisation representing the interests of children and young people).

“Until such time as free school meals are available, consideration should be given to:

- i. providing free school meals for all pupils in full time attendance in nursery schools and classes and for all pupils in primaries 1 to 3 in order to encourage the development of healthy eating habits and the habit of uptake of school meals; and*
- ii. extending the financial criteria for eligibility by setting a higher income limit and by providing eligibility for children of a parent in receipt of certain benefits.” (Other education stakeholder).*

- Implications of implementing the legislation:
 - 61% maintaining anonymity of those taking free school meals
 - 26% potential to stigmatise those taking free school meals.

Examples of comments made in these areas have been set out above.

- Financial implications:
 - 19% funding of the proposals.

2.65 The majority of comments in this respect were regarding the considerable costs of implementation and where this funding would come from (as discussed above). However, one local authority education department also raised the point that central support and guidance is essential to ensure that maximum benefit was drawn from the investment, so that further investment would not be required soon in the future:

“National support and guidance in relation to the development of smart card technology, would ensure that the substantial financial investment here would have maximum impact over a considerable number of years without a need for reinvestment in compatible hardware at some point down the timeline.”

- other comments
 - none mentioned by more than 5% of respondents.

Variations by Stakeholder Groups

2.66 There was little variation in the views expressed between stakeholders on the issue of anonymity. Fifteen of the 21 stakeholder groups who made comments on question 4 raised this issue. Health stakeholders, those representing the interests of children and young people and individuals were the main source of comments on free school meals.

QUESTION 5

Should local authorities have the power to provide children in local authority schools with free drinks, fruit, vegetables, bread or cereal based snacks, which meet defined nutrient standards?

2.67 Ninety three percent of respondents agreed with the statement, 2% disagreed, a further 2% did not answer the question but supplied comments and 2% did not answer the question. There was very little variation in the levels of support for the power between the different stakeholders, except amongst dental/oral health stakeholders where 3 of the 8 respondents did not support the proposal.

2.68 A total of 136 respondents (37%) supplied additional comments in relation to this question. Compared with the other 6 consultation questions, there is a more even distribution of comments between suggested changes to the proposed legislation and implications of implementing it. Proportionately more respondents commented on the financial implications than in any of the other questions. The breakdown of the comments by theme was as follows (the percentages refer to the proportion of respondents who supplied comments):

- 50% suggested changes to the proposed legislation
- 55% implications of implementing the legislation
- 34% financial implications
- 5% other comments.

2.69 The main area of comment was on the costs. A variety of views were expressed including the extra cost of provision and where it would come from, the efficacy of the proposal if there was no additional funding, revenue losses arising from lower use of tuck shops and vending machines and whether, in fact, this element (ie snacks as opposed to lunches) should be charged for:

“I agree with the idea but it would be very expensive to implement. Where would the money come from - Education?” (Primary school).

“This seems appropriate. I would hope that funding structures would be such as to make this a real possibility, especially in areas of deprivation.” (Organisation representing the interests of children and young people).

“Not sure how it would be managed without increased financial costs. Questions of staffing and monitoring need to be addressed.” (Local authority education department).

“...important in terms of nurturing and providing good nourishment for children and young people. However, again the issue of cost was raised. People felt that even though changes have been funded and many of these foods/drinks are already being provided by LA through Hungry for Success, the issue would be to sustain this once the funding is no longer available nationally...there would need to be real commitment from LA at a strategic level to sustain any free provision.” (Other education stakeholder).

“Local Authorities would welcome the power to provide children with free drinks, fruit, vegetables, bread or cereal-based snacks; again, however, this must be viewed against a backdrop of the overall framework for provision. For example, whilst many authorities already provide breakfast clubs, associated staff costs can be significant. Therefore, it can often be the associated costs and not the actual food costs that are the main barriers to further provision.” (Other stakeholder).

“There are a number of practicalities that could prohibit or limit the extent to which we could provide this, not least of which is substantial funding. Funding which would have to be ‘ring-fenced’... Should those children who are entitled to a free lunch also be entitled to a free breakfast?” (Local authority social work department).

“The moral dilemma for authorities is whether or not to charge pupils who have a free school meal entitlement for breakfasts or snacks. The overall level of funding and demands being made on it should be reviewed and consideration given to funding for low income families in particular.” (Local authority education department).

2.70 Issues related to free school meals were raised again in this question, with comments including the extent of the “free” provision as well as the reasons they are important (here due to raising pupils’ levels of concentration rather than issues of potential stigma discussed under question 4). The following are from an inclusion stakeholder, a local authority social work department and a health stakeholder:

“...we would ask why this general power is limited to snacks and not full lunches.”

“Should those children who are entitled to a free lunch also be entitled to a free breakfast?”

“It has been recognised that concentration levels in schools can be poor when children/ young people have not had access to breakfast or other appropriate nutritional meals. Schools therefore should have the opportunity to provide appropriate snacks, which meet defined nutritional standards”.

2.71 One health stakeholder’s views differed from the majority in raising concerns about the precedent that provision of “free” snacks and meals could set:

“The whole area of ‘free’ food in schools should be thoroughly explored, as ‘free’ does not necessarily mean valued, nor will it necessarily result in an increase in uptake. This approach presents risks in terms of best use of funds, and at the same time it is an approach that may create expectations of free provision more generally within schools.”

2.72 The need for the legislation to ban or place limits on the consumption of unhealthy food and drink was also mentioned. Various suggestions were made regarding the kinds of healthy snacks they would prefer/wish excluded. This included access to free water in class, milk and fruit:

“Local authorities should also be placed under a duty in the provision of fresh, filtered and chilled water for all pupils on demand.” (Health stakeholder)

“Drinks and cereal-based snacks must be used with caution. Full consideration of oral health implications of sugary and acidic snacks should be included in the final guidance document.” (Individual).

“[We] ... seek[s] reassurance that the food based guidance will ensure that all chocolate, crisps and confectionery are not permitted to be sold within schools.” (Health stakeholder).

“The provision of free fresh fruit in Scottish schools has been a success and extending this to other items may have significant value, especially in areas of deprivation where food poverty is common. [This organisation] has some concerns however over the practical nature of implementing such a proposal. For example, many drinks and cereal based snacks contain high levels of sugars. Nutrient standards would need to include close consideration of sugars consumption.” (Health stakeholder).

“...essential to remove vending machines selling unhealthy options. Healthy tuck-shops should be encouraged in schools as a way of providing additional snacks...young children required frequent snacks to ensure an adequate energy intake. Additional food provision should be well managed and costed. Free water provision in schools is essential. Consideration should be given to PFI contracts to ensure that the provision of healthy options/water is included when contracts are out of tender or under review. Clauses need to be included within contracts to allow changes to be made during the life of the contract if necessary.” (Individual).

“...no suggestion of sponsorship by fizzy drinks or similar companies should be acceptable, and local authority planning should not allow vans to operate at school gates, or within a defined radius.” (Health stakeholder).

“Suggestions for healthy snacks would include: Fruit including dried fruit, vegetables, toast, crumpets, bagels, breadsticks, wraps, dips – humus, salsa, cream cheese; Drinks should include milk, water, fruit juices and smoothies.” (Nursery school).

2.73 Another area of comment was around access times to healthy snacks, but these varied from support for snacks and drinks throughout the day to caution about how often/when they should be available:

“These should be freely available during break times and at the start and end of the school day.” (Health stakeholder).

“We believe that the proposed power should include explicit provision for the introduction of breakfast clubs. It is known that a healthy, nutritious breakfast can improve the behaviour of pupils and that those engaged in breakfast clubs frequently report positive experiences of them. Matters of staff workload, hygiene and parental engagement all require consideration in the development of new breakfast clubs.” (Other education stakeholder).

“Children do get hungry between meals, especially if they are active. If children are being encouraged to be physically active then the provision of these snacks could be beneficial. However, it may be worth considering that some children may opt to eat snacks throughout the day and not have a school lunch, especially if the choices available for lunches are not appetising or appealing. This would run counter to the stated objective of increasing the uptake of school meals.” (Other education stakeholder).

“I think this would only be practical if it was distributed prior to morning break. I do not believe we should be encouraging pupils to 'graze' throughout the school day.” (Primary school).

“But, maybe we should be encouraging people to eat less. The grazing culture is part of the problem, re obesity. 3 meals a day is what is really required.” (Individual).

2.74 For some, access issues were about the cost of funding access to snacks, and the resources to provide those snacks, throughout the day:

“Not sure how it would be managed without increased financial costs. Questions of staffing and monitoring need to be addressed. We don't think snacks should be available all day. Increased duties/ powers should be accompanied by increased funding.” (Local authority education department).

“Time for preparation and consumption of food has been an issue in schools that have competing priorities within the school timetable.” (Health stakeholder).

2.75 Amongst the respondents who gave comments about question 5, the main issues raised were as follows (the percentages relate to all those who made comments):

- suggested changes to the proposed legislation:
 - 18% ban or limitations on some foods
 - 7% terminology used in the consultation document
 - 5% free school meals
 - 5% extend the role of health promotion beyond schools.
- implications of implementing the legislation:
 - 24% suggestions on the types of food/free food and drink to serve
 - 12% access times for healthy snacks
 - 12% include oral health promotion.

2.76 Comments made about the types of food and access times have been discussed previously, as have some mentions of oral health. Others included:

“...as long as the standards take oral health implications into account. It should also be noted that if local authorities are responsible for the provision of free drinks and snacks – a number of drinks (including fresh fruit juice) dried fruit and cereal bars (which could be classified as a cereal based snack) are all high in sugar and therefore from an oral health prospective are not recommended snacks.” (Oral/dental stakeholder).

“If children have access to food and drink containing sugar throughout the day they will be at greater risk of experiencing decay. If local authorities are given this power throughout the day it is critical that oral health information is accessed and followed.” (Oral/dental stakeholder).

“If local authorities have the budget to do so then this would be a very positive initiative in the promotion of healthy eating among our children. The danger is that "healthy" should not be confused with "free". ...taking the Scandinavian example, isolated short term provision of healthy foods does not automatically ensure that children will adopt a healthy diet. The social and educational environment within schools is equally important – local authorities should co-ordinate initiatives if they hope to achieve long term improvements.” (Employers representative).

“The Scottish Executive should work with local authorities, teachers, and other stakeholders to issue up-to-date guidance on the effective establishment of breakfast clubs, and should work with such bodies to ensure that any new power to provide healthy food and snacks is used in innovative and effective ways.” (Other education stakeholder).

“The standards for snacks should provide for availability of a range of foods and drinks, arguable including a limited proportion of sweet food, fizzy drinks, as part of education is about making healthy choices.” (Health stakeholder).

Other issues raised under the remaining two themes included:

- financial implications:
 - 34% funding of the proposals.
- other comments
 - none mentioned by more than 5% of respondents.

Variations by Stakeholder Groups

2.77 There was a high response rate from the health sector. Thirty two of the 46 health stakeholders commented as did 7 of the 8 oral/dental stakeholders.

QUESTION 6

Should there be a duty on Scottish Ministers and local authorities to endeavour to ensure that all local authority schools are health promoting schools?

2.78 Eighty four percent of respondents agreed with the statement, 1% disagreed, a further 2% did not answer the question but supplied comments and 13% did not answer the question. Excluding non respondents, the proportion supporting the proposal increases to 97%.

2.79 The proportion not answering this question was by far the largest amongst the 6 closed questions. Non responses were concentrated amongst people who replied as individuals and they accounted for 32 of the 49 who did not answer. The other non respondents were mainly outwith the education sector, as only 2% of education related stakeholders did not answer this question.

2.80 Amongst those who did express a view, there was almost universal support for the proposal, except amongst Directors of Education, where 2 of the 16 respondents did not support the proposal.

2.81 One hundred and three respondents (28%) supplied additional comments in relation to this question. The comments were mainly with respect to suggested changes to the proposed legislation and the implications of implementing it. The breakdown of the comments by theme was as follows (the percentages refer to the proportion of respondents who supplied comments):

- 63% suggested changes to the proposed legislation
- 46% implications of implementing the legislation
- 13% financial implications
- 11% other comments.

2.82 A number of the comments made here echo those surrounding question 1. There is support for extending the role of health promotion by schools beyond the school premises and beyond food alone. There is a view that health promotion must go hand in hand with improved nutrition and that private and public sector schools should be subject to the legislation.

“Leadership/management - top down, bottom up whole school approach to HPS. A whole health approach to integrate health into the curriculum and hidden curriculum. True partnership working - staff, children, family, community, health professionals.” (Oral/dental stakeholder).

“...such an approach will only be successful when students, parents and local communities actively support such a policy.” (Health stakeholder).

“It is important to encourage partnership working between all agencies involved in the education of our children. Again considering the holistic approach and correct information being readily available. It is important to encourage our children to make choices from healthy options and to provide these healthy options.” (Oral/dental stakeholder).

“...it should not only be seen as the responsibility of schools to promote health but should be complemented by health promotion initiatives targeted at the wider community too.” (Other education stakeholder).

“...such a move requires a radical change in approach. Schools, and indeed all those agencies and sectors involved in child health would need support to implement this proposal. In addition, such an approach will only be successful when students, parents and local communities actively support such a policy. It is also essential that an appropriate monitoring and evaluation system is established to measure relevant process and outcome data.” (Health stakeholder).

“...the Bill should be extended to all local authority public buildings to ensure a consistent approach to improving access to healthy choices for children and young people. This would ensure that any other establishments within the school environment followed the same ethos e.g. leisure centres, community education centres, libraries.” (Individual).

“Not as short term funded initiatives but as mainstream activity long term with a wide focus from food and physical activity through to emotional resiliency and including suicide prevention. Our aim needs to be helping children to love life & be able to care for themselves and those around them.” (Individual).

“Overall focus would not just be on food and nutrition. HPS takes into account emotional/social wellbeing of the whole child. Welcome the legal duty to become health promoting school, emphasis should be across the curriculum not just home economics.” (Other education stakeholder).

“The Scottish Food and Drink Federation believe that in order to successfully influence and encourage change in lifestyles (including those of children) there is a need for a widespread and widely supported public education campaign to promote healthier lifestyles that combine balanced diets and physical activity. The industry is committed to a participating, together with the rest of the food chain and advertising industries, in a Government led campaign of public education on healthy eating and healthy lifestyles.” (Employers representative).

“Ensuring a health promoting environment in schools is essential in promoting mental and physical health. Initiatives to promote physical activity are also essential in tackling the obesity epidemic.”(Health stakeholder).

2.83 A teachers’ representative organisation raised a concern that bureaucracy would stifle any united approach:

“If we are serious about making a difference to the health of our young people then there must be a united approach to health promotion. However, the paperwork and bureaucracy involved in the current initiative is a significant burden on school management time. It may currently act as a barrier to participation and should be examined before a nationwide obligatory roll-out.”

2.84 This question also generated comments on the wording used in the consultation document. In several instances respondents felt that “endeavouring to ensure health promoting schools” was not a strong enough term to be used in describing the role of Scottish Ministers and local authorities in promoting health improvements:

“Whilst we agree that there should be a duty to ensure all schools are health promoting, we suggest “endeavour” is removed from this sentence as it is vague and does not give a strong sense of commitment.” (Health stakeholder).

“Confusing terminology ‘duty’ is stronger.” (Other education stakeholder).

“‘Endeavour to ensure’ sounds weak.” (Local authority education department).

“We suggest that the wording of this element of the Bill is strengthened from “endeavour to ensure” simply to “to ensure”. Those who endeavour do not always succeed!” (Health stakeholder).

“This question needs re-wording, as it has no real commitment to health promotion in the school setting. Perhaps another word may be used than endeavour.” (Health stakeholder).

2.85 On the practical implications for schools of being health promoting, comments were received on the role of more physical exercise classes and, as in question 1, on the need to teach about principles of good health and to involve parents in changing their own and their children's lifestyle.

“The consultation document highlights the WHO standard of an hour of cumulative activity in a day. It is clear that this cannot be met through formal PE provision and instead schools will have to provide opportunities for children to play. This should be done as part of a wider commitment to encourage play opportunities and could involve a review of policy on form and use of school grounds, ensuring all school staff understand the importance of children's play and ensuring that outdoor play receives sufficient time and space within a crowded school day.” (Other inclusion stakeholder).

“The idea that play should be formalised seems odd to most people, as children often find ways and means to play regardless of the circumstances. This should not however take away from the fact that play is an essential part of a child's development and that those children who are unable to play, may lack crucial social and personal skills. This is an important consideration and in this regard, I was particularly interested to note the absence of a reference to play within the recent publication from the Scottish Health Promoting Schools Unit; Health Promoting Schools in Scotland – A Partnership Approach. If Scotland is serious about being a healthy living nation, then such physical activity and a particular focus on play, is essential.” (Organisation representing the interests of children and young people).

“The encouragement of physical activity, practical knowledge of preparing and cooking meals and education on diet, nutrition and exercise are all essential to develop positive habits which can be taken into adult life.” (Employers representative).

“The key elements of a ‘health promoting environment’ are: daily vigorous exercise, fresh air, healthy food and drinks, fresh chilled drinking water freely available, educating parents and children on aspects of health, working in partnership with all other agencies including the Health Board, catering services, oral health etc.” (Nursery school).

“Pupils who choose to bring packed lunches, and their parents should be given guidance by the school on how to make them healthy. Everyone should be encouraged to take some exercise during the day. For example, through before and after school clubs, active transport policies which encourage ‘walking buses’ and cycling.” (Health stakeholder).

“Ministers and local authorities should encourage schools to promote healthy lifestyles by provision of a choice of pupil and teacher resources, and showing how they can be incorporated into the existing curriculum. These should appeal to wide ranges of base line knowledge and activity.” (Primary school).

“It is unclear whether teachers see health promotion as a central part of their job therefore ensuring it remains a significant theme in the Curriculum for

Excellence reforms and ensuring these are effectively implemented will be crucial.” (Inclusion stakeholder).

“The duty of Scottish Ministers is to help educate children and parents about the need for a balanced diet, and to encourage physical activity and healthy living. With the cause of obesity being primarily down to mismatch of “calories in” in relation to “calories out”, obesity levels will only be reduced if both are addressed in tandem.” (Employers representative).

2.86 The role of local/organic produce was also raised, including issues with respect to paying for it.

“We have made some inroads to sustainable procurement and sourcing organic produce, but would like more support to be able to procure and access local food for local schools thus improving the local economy.” (Health stakeholder).

“Improvements to food quality particularly from local, sustainable sourcing, across all schools will cost more money and the additional subsidy to achieve this aim would have to be met through other economies or increased charging”. (Local authority education department)

“...the key elements of a 'health promoting environment'?...An educational environment willing to consider local ways of procuring healthy foods e.g. community allotments, community gardens, growing fruit and vegetables within the school etc .” (Health stakeholder).

“Agree with including and encouraging local and Scottish food suppliers, for high quality, fresh healthy food for schools.” (Individual).

2.87 Amongst the respondents who gave comments about question 6, the main issues raised were as follows:

- suggested changes to the proposed legislation:
 - 27% links between food and other health promotion methods
 - 18% terminology used in the consultation document
 - 12% extend the role of health promotion beyond schools
 - 7% private as well as public sector pupils should be subject to the same legislation.

2.88 Comments on the first two have been discussed above, as have comments on terminology with respect to the “strength” of the wording. Other comments on terminology included comments on the use of “Environment” rather than “Schools”:

“In favour of keeping the terminology 'Health Promoting Schools' rather than 'Health Promoting Environments'.” (Other local authority department).

“Health Promoting Environment is perhaps the wrong term to use, if you are focusing on schools. It should use the phrase health promoting school in recognition of the national target being - all schools to be health promoting schools by December 2007. We need continuity of terms so that schools

recognise the concept and they do not feel like they have another initiative to cope with. If schools follow the Health promoting School model (HPS) physical environment, ethos and climate are already integral components of the HPS.” (Health stakeholder).

“Some members of the group felt that there is clarification required on the term ‘Health Promoting Environment’. Is this an extension on the current idea of a Health Promoting School or is it emphasising the close work Health Promoting Schools carry out with parents and communities? If the latter is changing the terminology useful or just confusing?” (Health stakeholder).

2.89 On “private as well as public sector pupils should be subject to the same legislation” the comments were simply that “*all schools should be included*”.

2.90 Other issues to arise within the remaining three themes included:

- implications of implementing the legislation:
 - 20% teach about good health
 - 19% physical exercise
 - 8% parental involvement
 - 7% teaching cookery/about food
 - 5% use fresh, organic or local ingredients.
- financial implications:
 - 12% funding of the proposals.
- other comments:
 - none mentioned by more than 5% of respondents.

2.91 Comments on wider benefits included:

“This should help ensure a more holistic approach to education, health and wellbeing of children and young people and makes it clear that health and wellbeing are prerequisites for raising levels of attainment and achievement in schools and beyond.” (Health stakeholder).

“Healthy eating ideally should be seen as something which is part of a lifestyle, and not over emphasised as a 'diet' which is something different from the 'norm'. It is equally important to recognise and educate on the true concept of health eating and lifestyle i.e. it is about the healthy overall balance of people's intake, not about avoiding particular food perceived as unhealthy all together.” (Health stakeholder).

“We recommend that there should be duty on Scottish Ministers to endeavour to ensure that all local authority schools are also Eco schools, thus highlighting links between the health of the child and the health of the planet.” (Other stakeholder).

“We have a fantastic opportunity to improve the future health of Scottish children (and their attainment), and via their enthusiasm, that of their parents

and grandparents. We need to do this not only through healthy food promotion, but also teaching children to cook using real ingredients instead of pre-packed meals which are often loaded with fat, salt and sugars. This has the potential of relieving poverty as well.” (Political representative).

Variations by Stakeholder Groups

2.92 The bulk of the above comments were limited to responses for the education and health sectors.

QUESTION 7

Any other comments?

2.93 A total of 230 respondents (62%) supplied additional comments in relation to this question. The comments were mainly in respect to suggested changes to the proposed legislation and on the implications of implementing it. The breakdown of the comments by theme was as follows (the percentages refer to the proportion of respondents who supplied comments):

- 53% suggested changes to the proposed legislation
- 73% implications of implementing the legislation
- 18% financial implications
- 21% other comments.

2.94 The analysis of the findings indicates that the great majority of comments made reiterated points made under the previous six questions or were placed here instead of under a particular question heading. This section therefore concentrates on new themes which emerged. The additional comments all fall under the theme of the implications of implementing the legislation:

- 6% bring back cookery/home economics
- 5% well trained, inventive and motivated cooks and caterers required.

2.95 Comments were received which indicated the value of teaching cookery and food skills in general, as the comments from one individual and one organisation indicate:

“There is a clear need for educating children and young people not just in the virtues of healthy eating but also how to prepare and cook healthy meals in a way that is relevant to their day to day life. Schools are in an ideal position to teach these skills”. (Organisation representing the interests of children and young people).

“To encourage children to be interested in healthy eating and to apply these choices in their lives they need hands on experience. We need to invest in teaching practical food skills”. (Health stakeholder).

2.96 Another group of comments was on the perceptions of the current standards of school meals and the need to use imagination, well trained and motivated catering staff.

“We also note that there are skill shortages within schools with respect to food and there appears to be poor training of catering professionals in nutrition. We feel that the Executive should, therefore, give some consideration to schemes to support the training of catering professionals in core skills to drive forward the improvement of food in schools”. (Health stakeholder).

“Many schools have seen their own kitchens closed and school meals are now transported in from other places, which makes it difficult if not impossible to provide hot and /or fresh food. Many school canteen staff are not given the chance to use their skills”. (Other stakeholder).

CHAPTER THREE CONCLUSIONS

3.1 The main conclusions to be drawn from this consultation are summarised in this chapter.

3.2 The views expressed about the proposed legislation are largely from education and health related stakeholders. There was representation from all but two categories of stakeholders, but not to every consultation question. Two categories that did not respond were Ethnic Minority Representative Groups and Other Equal Opportunity Stakeholders.

3.3 Proportionally speaking, the groups best represented were those representing the interests of children and young people, Directors of Education and Health stakeholders.

3.4 There was a very high level of common agreement between stakeholders on the proposals and very little divergence of views expressed in the additional comments supplied, with many key themes being raised repeatedly.

3.5 The consultation generated a significant level of additional comments on all of the proposed powers and duties. These comments were focused on suggested changes to the proposed legislation and the practical implications of implementing them. This suggests that there are possible refinements to the proposals that the Scottish Executive may wish to consider in taking forward the legislation.

3.6 Many of them cut across the various consultation questions so it is possible to generalise many aspects of the stakeholder feedback. All of the comments can be gathered under the two themes:

Suggested changes to the proposed legislation

3.7 Key suggested changes to the proposed legislation included:

- bans or limitations on some foods and drinks (eg carbonated drinks and high fat foods); many felt that the Bill had to be accompanied by this to be effective and it linked to many calls for banning (or at the very least) limiting mobile food vendors in or near schools
- extending the nutrition standards to cover food brought into school by pupils (which, in many cases, would be carbonated drinks, crisps, snacks etc)
- also making private sector pupils subject to the provisions and powers of the legislation
- extending the remit of schools to promote good health and nutrition standards beyond the school premises, including the health of parents and carers; also extending, or linking, the Bill to other initiatives on nutritional standards and health promotion, particularly the need for more physical activity (or play time in the case of younger children)
- extending the provision of free school meals to everyone to ensure all have the same opportunities for healthy eating and to avoid the potential stigma currently attached to claiming them, the importance of anonymity being a key concern for

many respondents (many felt potential stigma was a key reason why only some of those entitled to free meals currently claimed them)

- tightening up the terminology used in some places to show a genuine commitment to improving healthy eating, rather than offering possible get out clauses as some felt was currently the case with the use of words such as “endeavour” and “practicable”.

Implications for implementing the legislation

3.8 The key practical implications of the legislation were felt to be:

- the need for central monitoring: ie for checks to be made on food and drink brought to school for compliance with nutrition standards and checks to be made on the effective promotion by schools and local authorities
- the need to draw up a list of the kinds of food and drink to be served for schools to refer to (including the use of fresh, organic and/or locally sourced foods)
- the need to accompany its implementation with the broader teaching of cookery skills and principles of good health (including to parents and carers)
- determining the most appropriate access times to consume free drinks, fruit, vegetables, bread or cereal based snacks in school hours and ensuring that the level of access did not lead to risks to oral health
- the widely raised issue of the source of the additional funding that would be required by schools to provide extra school meals (in terms of the staff resources, food costs and the provision of appropriate environments to encourage uptake) and to help avoid the possible stigma of free school meals through investment in technology such as swipe cards.

ANNEX 1: CATEGORIES OF RESPONDENTS

Education

(1) Primary Schools

Education Authority Primary Schools

(2) Primary School Pupils

Education Authority primary school pupils

(3) Secondary Schools

Education Authority Secondary Schools

(4) Secondary School Pupils

Education Authority secondary school pupils

(5) Independent Schools

Independent Schools

(6) Nursery Schools

Nursery Schools

(7) Directors of Education

Directors of Education and Education Services in Local Authorities

(8) Other Stakeholders in Education

Association of Directors of Education in Scotland

Association of Head Teachers in Scotland

CARE for Education

Careers Scotland

Clerk of the Committee (Education)

Corporate Director of Education and Community Services

COSLA

Education Otherwise

Educational Institute of Scotland

General Teaching Council for Scotland (GTC)

Forum on Scottish Education

Headteachers' Association of Scotland

Highland Home Educators

HM Inspectorate of Education

Home Education Advisory Service

(8) Other Stakeholders in Education (Continued)

Jordanhill School Board of Managers
Learning and Teaching Scotland
NASUWT Scotland
Out of School Hours Childcare and Learning
Professional Association of Teachers
School Board Officers Network
Schoolhouse HEA
Scottish Council of Independent Schools
Scottish Council for Research in Education
Scottish Parent Teacher Council
Scottish Qualifications Agency
Scottish School Board Association
Scottish Schools Ethos Network, University of Edinburgh
Scottish Secondary Teachers' Association
Scottish Support for Learning
St. Vincent's School Board

Catering Managers

CoSLA
Local Authority Catering Managers

Social Work

Association of Directors of Social Work
Care Commission
CoSLA
Scottish Social Services Council

Other Local Authority Departments

Other local authority departments

Ethnic Minority Representative Groups

Black Community Development Project
Black and Minority Ethnic Elders Group
Central Scotland Racial Equality Council
Centre for Race Equality in Scotland
Commission for Racial Equality
Edinburgh and Lothians Racial Equality Council
Grampian Racial Equality Council
Scottish Gypsy/Travellers' Association
Tayside Racial Equality Council
West of Scotland Racial Equality Council

Other Equal Opportunities Stakeholders

Equal Opportunities Commission
Equality Network
Human Rights Centre
Inclusion Scotland
LGBT Youth Scotland

Disability Stakeholders

British Deaf Association Scotland
Capability Scotland
Deaf Blind Scotland
Disability Rights Commission
National Autistic Society Scotland
RNIB
RNID
Scottish Association for Sign Language Interpreters
Scottish Council on Deafness
Scottish Disability Equality Forum
Scottish Dyslexia Trust
Sense Scotland
Scottish Society for Autism

Health Stakeholders

British Dietetic Association
British Heart Foundation
Community Health Partnerships
Directors of Public Health
Fitness Scotland
Health Councils
Health Promotion Managers
Health Scotland
Institute of Leisure Management
NHS Board Chief Executives
Scotland's Health at Work
Scottish Athletics
Scottish Association for Mental Health
Scottish Health Promoting Schools Unit
Scottish Swimming
Sportscotland
Voluntary Health Scotland

Dental and Oral Health Stakeholders

Dental and oral health stakeholders

Religious Groups

Action of Churches Together in Scotland
Catholic Education Commission
Catholic Headteachers Association of Scotland
Catholic Parliamentary Office
Church of Scotland Committee on Education
Evangelical Alliance (Scotland)
Scottish Catholic Education Service
Scottish Council of Jewish Communities
Scottish Inter Faith Council

Other Inclusion Stakeholders

Barnardo's Scotland
Blackford Brae Project, Edinburgh
Care Commission
Child Poverty Action Group
Govan Law Centre
Help the Aged
Inclusion Scotland
Living Streets
One Parent Families Scotland
Save The Children

Representing the Interests of Children and Young People

Aberlour Child Care Trust
Child Poverty Action Group
Childline Scotland
Children First
Children in Scotland
ENABLE
Gingerbread
NCH Action for Children Scotland
Play Scotland
Scotland's Commissioner for Children and Young People
Scottish Child Law Centre
Scottish Children's Reporter
Scottish Out of School Care Network
Scottish Youth Parliament
West of Scotland Seniors' Forum
Young People Speak Out
Young Scot
Youth Scotland
Youthlink Scotland

Political Representatives

MEP Alliance of Liberals and Democrats for Europe
MEP European People's Party (Christian Democrats) & European Democrats
MEP Greens/European Free Alliance
MEP Party of the European Socialists
MEP SNP

Parents/Carers

Parents/carers

Parent Support Groups

One Parent Families Scotland
Parent Network Scotland
Parent to Parent Tayside
Parentline Scotland
Scottish Network for Parental Involvement

Employers Representatives

CBI Scotland
Careers Scotland
Scottish Enterprise (Food and Drink)
Scottish Food and Drink Federation
Scottish Retail Consortium

Food Suppliers/Manufacturers

Food suppliers/manufacturers

Other Stakeholders

Beaconhurst
British Council Scotland
CERES
Citizen Advice Scotland
Copyright Libraries' Agency
Forestry Commission
GTC Scotland
Information Commissioner
One Plus
Outright Scotland
Ramblers Association of Scotland
Scottish Arts Council
Scottish Civic Forum
Scottish Consumer Council
Scottish Natural Heritage
Scottish Refugee Council
SCVO
SPICe
STEP
STUC
The Anti-Bullying Network
The British Library
The Paths for All Partnership
The Prince's Trust

Individuals

Responses received from people responding as individuals