Education Committee

7th Meeting, 2006

Wednesday 22 March 2006

The Committee will meet at 10.00 am in Committee Room 6

1. **Items in private:** The Committee will consider whether to take items 4, 5 and 6 in private.

2. **Proposed School Meals and Snacks (Scotland) Bill:** The Committee will consider a statement of reasons why no further consultation is required on the proposed Bill and take evidence from—
   
   Frances Curran MSP
   
   Claire Menzies Smith, Senior Assistant Clerk, Non Executive Bills Unit

3. **Subordinate legislation:** The Committee will consider the following negative instrument—
   
   the Additional Support Needs Tribunals for Scotland (Practice and Procedure) Rules 2006 (SSI 2006/88)

4. **Finance Committee accountability and governance inquiry:** The Committee will agree its response.

5. **Appointment of an adviser:** The Committee will consider applications for the position of an adviser to assist in the scrutiny of the proposed Adoption and Children (Scotland) Bill.

6. **Pupil Motivation Inquiry:** The Committee will consider a draft report.

Eugene Windsor
Clerk to the Committee
Room T3.40, Committee Office
Ext. 0131 348 5204

The following papers are enclosed for the meeting:

Agenda item 2
Proposed School Meals and Snacks (Scotland Bill)
Statement of Reasons
Agenda item 3
Clerk’s note and copy of SSI 2006/88

Agenda item 4
Clerk’s note and draft response to the Finance Committee’s accountability and governance inquiry (private paper)

Agenda item 5
SPICE paper and adviser applications (private paper)

Agenda item 6
Clerk’s paper and draft report (private paper)
Agenda item 2

22 March 2006

EDUCATION COMMITTEE

Proposed School Meals and Snacks (Scotland) Bill

Introduction

1. Frances Curran MSP intends to lay a proposal for a Member’s Bill to:
   i. provide free school meals, water and milk in all local authority primary schools;
   ii. give powers to Scottish Ministers to extend this provision to local authority secondary schools;
   iii. to give powers to Scottish Ministers to regulate the sale and advertisement of consumable goods on school premises;
   iv. to require Scottish Ministers to set nutritional standards for school meals; and
   v. to establish a complaints procedure for pupils and parents in relation to these standards.

2. Consideration of the ‘statement of reasons’ accompanying the draft proposal has been referred to the Education Committee.

Process

3. Rule 9.14 of Standing Orders (Members’ Bills) specifies a two stage process under which a member submits a draft proposal, which is normally consulted upon, and then a final proposal. This final proposal requires the support of at least 18 members from at least half the Parliamentary Bureau parties or groups, within one month, to enable it to proceed to Stage 1.

4. If a draft proposal is not to be accompanied by a consultation, the member must provide a ‘statement of reasons’ why not (Rule 9.14.3(b)). This statement is then referred to a committee for consideration.

5. Frances Curran’s draft proposal is attached at Annex A. The statement of reasons is attached at Annex B and copy of the consultation that was undertaken is provided at Annex C.

6. At this point in the process, the only question to be asked is whether there has been sufficient consultation on the proposal to enable its merits to be properly assessed at later stages. Members are not invited to consider the principles or content of the Bill at this point.

7. The decisions available to the Committee are:
i. that the Committee is satisfied with the statement of reasons provided and that
   the Bill may proceed to a final proposal; or
ii. that the Committee is not satisfied with the statement of reasons provided and
    that further consultation must take place or the proposal will fall.

8. In making this decision, members may wish to consider whether the consultation
   was:
   
   i. appropriately worded, open to critical as well as supportive feedback;
   ii. sent to a wide range of bodies;
   iii. open to responses for a reasonable period.

Next steps

9. If the committee is satisfied, the member is entitled to lodge a final proposal. If the
   committee is not satisfied, the member is required to lodge a consultation document within
   2 months or the proposal falls.

10. Once a final proposal is lodged it requires the support of at least 18 members
    (including members from at least half the parties or groups represented on the Bureau)
    within 1 month, to enable it to be formally introduced and to proceed to Stage 1.

Action

11. The Committee is invited to AGREE whether it is or is not satisfied with the
    statement of reasons associated with the draft proposal for the School Meals and
    Snacks (Scotland) Bill.

Eugene Windsor
Clerk
Education Committee
Draft proposal for the Proposed School Meals and Snacks (Scotland) Bill

Draft proposal for a Bill to provide free school meals, water and milk in all local authority primary schools; to give powers to Scottish Ministers to extend this provision to local authority secondary schools; to give powers to Scottish Ministers to regulate the sale and advertisement of consumable goods on school premises; to require Scottish Ministers to set nutritional standards for school meals and to establish a complaints procedure for pupils and parents in relation to these standards (lodged 24 February 2006).
Statement of Reasons by Frances Curran MSP

In relation to my draft proposal for a Member’s Bill, the proposed School Meals and Snacks (Scotland) Bill, I do not consider that consultation on the draft proposal is required for the following reason.

A consultation on my proposal for a School Meals and Snacks (Scotland) Bill was launched on 7 July 2005 and was open to responses until 14 October 2005. Unfortunately I meant to lodge my draft proposal at this time but due to an oversight during the Summer Recess this did not happen.

The main questions to which opinions were invited were:

- extending entitlement to free school meals to all primary school children and also older children;
- personal or professional experience of those claiming free meals; and
- banning of advertising of junk food and fizzy/sugary drinks and vending machines dispensing unhealthy foods in schools;
- the setting of nutritional standards for school meals;
- responsibility for dealing with complaints about the nutritional quality of school meals; and
- encouraging children to eat healthier food.

Approximately 2000 copies of the consultation document were printed and distributed to School Boards, representative Teaching bodies, parents groups, representative children and young peoples’ organisations, health organisations, Unions, local authorities, equal opportunities organisations and academic institutions. The consultation was also available on my website, the Child Poverty Action Group Scotland’s website and the One Plus website as well as being trailed in the Scottish press. In total 517 parties responded to the consultation.

In light of this recent and thorough consultation I do not believe that it is necessary to carry out any further consultation, as there has been adequate opportunity for the public to comment on what is being proposed and this in turn has helped to test, develop and refine my proposal. On that note, I thank the respondents whose submissions have provided me with a comprehensive base to take my proposal forward to the next stage.

I therefore request the Committee to consider the above statement and confirm that it is satisfied with the reasons for not consulting on the draft proposal.
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5 How we should extend entitlement: Universality vs Targeting

6 Why free meals must be healthy - Nutritional Standards

7 How can we be sure kids will eat healthy meals? – Jamie, Sweden, Finland

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9 Children Need Milk and Water at Lunchtime

10 Good practice and progress: Glasgow, Hull and Wales

10 Questions for respondents

Appendix I

References
Free School Meals Consultation

1.1 Executive Summary

1.2 Free School Meals: History - The creation of the Welfare State saw school meals used as a response to the problem of poor diet. However Government policies since 1979 have reduced the quality of school meals. Restrictions on entitlement have also reduced the number of children receiving free meals at school.

1.2.1 Since 1999 the Child Poverty Action Group has campaigned to extend entitlement to free school meals. In the last Scottish Parliament a bill seeking to introduce universal entitlement was introduced. The bill had support from wide layers of Scottish society.

1.2.2 The bill was defeated but the Scottish Executive implemented the recommendations of the “Hungry for Success” report to increase the take-up and quality of school meals. In May 2005 Frances Curran MSP lodged a proposal for a new School Meals (Scotland) Bill to extend the provision of free and nutritious school meals.

1.3 Options for reform: The School Meals (Scotland) Bill – The new School Meals (Scotland) Bill would extend entitlement to free school meals to all children in state primary schools. The new bill would also give the Scottish Executive powers to extend entitlement.

1.3.1 The new bill would also -

- require Scottish Ministers to introduce statutory nutritional standards for school meals
- Introduce a complaints and enforcement scheme for parents and children
- give powers to the Scottish Executive to effectively ban the promotion and sale of junk food on school premises.
- guarantee school pupils access to water and milk with their school meals

1.4 Why we need to extend entitlement: Poverty – Between 27% and 34% of Scottish children live in relative poverty. Britain has a very high proportion of its children living in poverty compared to other “rich” nations. Less than half of Scottish school age children living in poverty are entitled to or taking free school meals. As many as 150,000 Scottish children at risk of material deprivation are currently not in receipt of free school meals.

1.4.1 Why we need to extend entitlement: Food Poverty – The main problem for families living on a low income is not ignorance of what makes for a healthy diet but an inability to afford healthy, nutritious food. Families living on benefits or low wages do not have enough disposable income to eat healthily. Free school meals could help children by providing them with a healthy, nutritious lunch and could assist in changing Scotland’s dietary habits.

1.4.2 Why we need to extend entitlement: School Attainment – Children’s educational attainment is adversely affected by poverty and poor nutrition. Poor nutrition affects concentration, ability to learn and performance in exams. Income levels are a stronger determinant of educational attainment than
any other single factor. Reducing poverty by introducing free school meals should therefore result in better school performance by children from lower income households.

1.4.3 Why we need to extend entitlement: Health – Scotland’s poor diet affects all levels of society. Poor diet contributes to the development of - Obesity, Malnutrition, Dental Disease, Diabetes, ADHD, Heart Disease, Cancer and Strokes, Life Expectancy and Dehydration

1.4.4 Why we need to extend entitlement: The Scottish Economy: Poor health imposes huge costs on the Scottish economy. The cost to the NHS of treating obesity is estimated at £171 million a year with a total economic cost of £2 billion. Childhood obesity has doubled in the last 10 years and is predicted to double again in the next ten. Free school meals could assist in reducing obesity and should thus be seen as an investment rather than a cost.

1.5 Universality vs Targeting: The health of all children is important. Means testing is inefficient because many of those entitled to means-tested benefits do not end up claiming them. When surveyed, children state that the main reason they do not claim free school meals is stigma. Though stigma can be reduced it will always exist as long as some children pay whilst others receive free meals on the grounds of low income.

1.5.1 The cost of school meals influences the number of pupils taking them. 70,000 Scottish children of parents receiving Working Families Tax Credits are not entitled to free meals. Removing the burden of paying for school meals would reduce the poverty of the working poor.

1.6 Healthy meals: the need for statutory standards: The scrapping of statutory nutritional standards and the introduction of compulsory competitive tendering has led to a drop in the cost and quality of the ingredients used in school meals. The issues of quality and quantity of school meals thus need to be addressed.

1.6.1 Packed lunches are often an unhealthy alternative to school meals and greater reliance on them would not currently improve children’s diets. Greater use of local food would be more nutritious and reduce the costs of pollution involved in transporting school meals.

1.7 Getting kids to eat healthy meals: Finland has significantly reduced rates of heart disease over the last 30 years. Free, healthy school meals have been an important part of their health strategy. Over 90% of Finnish school pupils take free meals. Sweden introduced free meals for all school pupils in 1973. 85% of Swedish school students take free meals.

1.8 Banning the Junk: Food advertising accounts for over half of all advertising shown during children’s viewing times. The Food Standards Agency concluded that advertising influenced children’s food preferences and that clear links could be established between the amount of television viewed, dietary choice, obesity and cholesterol levels. Restricting the promotion of, and access to, unhealthy fast foods and snacks could improve our children’s diet.

1.8.1 Not only are schools currently allowed to sell junk food they are encouraged by Government to enter into partnership schemes which promote unhealthy diets.

1.9 Children need milk and water at lunchtime: Levels of dental decay are high in Scotland partially due to the high sugar content of children’s diet. Providing water with meals would reduce dehydration which affects children’s concentration levels. Providing free milk would also increase calcium levels amongst girls reducing the incidence of osteoporosis.
1.10 **Good practice and progress:** Hull City Council has introduced free school meals for all children in its primary schools. Free School Breakfasts are being piloted in areas of deprivation in Wales and will be made available to all primary pupils by 2006. Both have introduced the policy to reduce childhood poverty and improve health.

1.10.1 Glasgow City Council has already introduced free school breakfasts for all primary pupils and is now investigating providing free school lunches. The City Council would be greatly assisted if Scottish Executive funding for free school meals became available.

### 2 School Meals Policy in the Modern “Welfare State”

2.1 The 1944 Education Act required local authorities to provide meals to all pupils who wanted them. In 1947 the full cost of providing school meals was met by the Government. However by 1949 a uniform charge of 2.5p had been placed on school meals which gradually increased to 25p in 1977. Nevertheless take-up of school meals increased and by 1977 sixty-one per cent of school-children were taking school lunches.

2.2 In 1979 a white paper identified school meals as an area where public expenditure savings could be achieved. At that time the cost of subsidising school meals was estimated at £380 million. The white paper suggested that this could be cut in half by reducing the quality of the meals service.

2.3 The 1980 Education Act gave local authorities the power to withdraw from providing a full school meals service. Instead councils only had a statutory duty to provide meals to those entitled to free meals (i.e. children whose parents were in receipt of Supplementary Benefit or Family Income Supplement). The Act also scrapped statutory minimum nutritional standards for school meals enabling the use of lower quality convenience foods high in salt, sugar and fat. By 1992 eleven per cent of local authorities had ceased to provide dinners for all children.

2.4 The 1986 Local Government Act placed a duty on local authorities to put the provision of school meals out to competitive tendering. The same year’s Social Security Act introduced Family Credit (replacing Family Income Supplement) but took away entitlement to free school meals from the thousands of children whose parents received the new benefit. Between restricted entitlement, declining provision, increased cost and the lower quality of meals the proportion of children taking school dinners dropped by over 25% in 18 years.

2.5 In 1999 the Child Poverty Action Group (CPAG) launched a free school meals campaign with three aims –

- To extend entitlement to free school meals.
- To improve take-up of free school meals.
- To introduce nutritional standards for school meals.

2.6 Devolution meant that Education and Health policy became the new Scottish Parliament’s responsibility. Therefore in 2000 CPAG established a Scottish school meals advisory group and through it CPAG secured the introduction of a School Meals (Scotland) Bill.

2.7 The School Meals Bill was sponsored by Tommy Sheridan MSP, Alex Neil MSP and John McAllion MSP. The bill set statutory nutritional standards for school meals and would have extended entitlement to free healthy school meals to all school-children in Scotland.
2.8 The Education and Health Committees of the Scottish Parliament took evidence on the bill throughout 2001. That same year the Scottish Executive established an expert panel to devise nutritional standards, improve the appeal of school meals and increase take-up.

2.9 The reports of the Education and Health Committees recognised that stigma still acted as a barrier to children claiming the free school meals to which they were entitled. They stated that this was "repugnant and totally unacceptable", that swipe card (cashless) canteens had their limitations and that "Urgent action" was needed. They agreed that it was "self evident" that the bill would end the stigma of taking free school meals. The Health Committee accepted that an increased take-up of school meals would improve health outcomes.

2.10 The School Meals Bill was debated in June 2002. Despite receiving the support of 37 MSPs, drawn from five of the six political parties represented in the Parliament, it was defeated.

2.11 The Scottish Executive’s expert panel’s report “Hungry for Success” was published in November 2002. Its main recommendations included –

   i) Establishing national (though not statutory) nutritional standards for school meals.
   ii) The integration of learning on healthy eating into the curriculum.
   iii) The adoption of practices which maximise the anonymity of free school meal recipients - such as meal ticket allocation - to reduce stigma and increase take-up.

2.12 In addition the Scottish Executive took on board the Health Committee’s recommendation that free water be made available in all schools and provided funding to local authorities to install water dispensers.

3 Options for reform: The School Meals (Scotland) Bill

A proposal for a Bill to –

- provide free school meals, water and milk in all local authority primary schools;
- give powers to Scottish Ministers to extend this provision to local authority secondary schools;
- give powers to Scottish Ministers to regulate the sale and advertisement of consumable goods on school premises;
- require Scottish Ministers to set nutritional standards for school meals and
- establish a complaints procedure for pupils & parents in relation to these standards.

3.1 All the evidence suggests that Scotland urgently needs to take radical action to tackle the massive inter-related problems of poverty, diet and obesity. The School Meals (Scotland) Bill would enable such action to be taken.

3.2 The bill would initially extend entitlement to all primary school children in state schools. The bill would also give powers to Scottish Ministers to extend entitlement to secondary school children if it so desired. The bill would grant powers to the Scottish Ministers to extend entitlement to children on the following grounds –
• Geographic: all children living in and attending secondary schools in certain areas (for example within particular local authorities) could be given entitlement

• Age: free school meals entitlement could be extended to all secondary school children of a certain age (for example to all children up to age 16).

• Pilot schemes: the bill would allow Ministers to extend entitlement to free school meals in pilot schemes in secondary schools. The pilots could be in certain areas or even in just one school.

3.4 The School Meals Bill would also require Ministers to set nutritional standards that required approval by the Scottish Parliament. The nutritional quality of school meals would then be monitored to ensure that the standards were being met by caterers.

3.5 The new nutritional standards would also be enforceable by parents and school pupils. We envisage that if a parent or school student felt that nutritional standards were not being met they should have the right to complain.

3.6 The investigation of the complaint could then be undertaken or overseen by the schools inspectorate. This would both make school meals healthier and ensure that schools, caterers and local authorities were more accountable to parents & pupils.

3.7 The final strand of the bill would give children the right to a healthy drink of milk or water along with their school lunch.

3.8 To sum up the School Meals (Scotland) Bill seeks to reduce poverty and to improve the diet and future health of Scottish children by –

(i) extending entitlement to free school meals;

(ii) requiring Scottish Ministers to establish clear and enforceable nutritional standards for school meals

(iii) establish a complaints procedure for children and parents

(iv) regulating the promotion and sale of junk food in state schools and

(v) ensuring that children have access to free milk and water with their lunch.

4 Why we need to extend entitlement to free school meals

The Free School Meals (Scotland) Bill seeks to extend entitlement to more Scottish school children to tackle a number of inter-related problems namely -

(1) the poverty experienced by a large number of Scottish children
(2) the food poverty experienced by many families living in low income communities
(3) the low educational attainment of children from poorer homes
(4) the Scottish-wide health crisis caused by poor diet and poverty
(5) the impact of poor diet and ill health on the Scottish economy
The extent and nature of these problems is set out in the following sections.

4.1 Why we need to extend entitlement to free school meals: Poverty

4.1.1 Children in Poverty: Britain has the fourth largest economy in the world. Yet, other than Greece, Britain has the worst record on poverty in the European Union, with more than one in five people living on incomes below the income poverty line.

4.1.2 The 2003/4 Households Below Average Income (HBAI) figures show that 260,000 (25%) of Scottish children live in “relative poverty”. However another 100,000 Scots children who live in low income households are at risk of “material deprivation”. So somewhere between one-in-four and one-in-three Scottish children live in households with relatively low incomes. At either level this is a very high proportion.

4.1.3 Currently there are 723,000 children attending state schools in Scotland. 19% of these pupils (139,000) are entitled to Free School Meals but only 13% (96,000) actually take them. Fully a third of pupils entitled to free school meals are not actually claiming them.

4.1.4 That means that nearly half of Scottish school children (i.e. 25% -13% = 12%) who live in households with an income below the Executive’s income poverty line are either not claiming or are not entitled to free school meals.

4.1.5 Extending entitlement to free school meals to all Scottish school pupils could benefit over 100,000 children living below the Government’s income poverty line. By reducing household expenditure in low income homes increased entitlement would also contribute to lifting children, and their parents, out of poverty.

4.2 Why we need to extend entitlement to free school meals: Food Poverty

4.2.1 No doubt all of us could benefit from more information on what foods would provide us with the best diet for a longer, healthier life. However research has shown that people from low income families are aware of the basics of healthy eating and especially the need to eat more fruit and vegetables. But other research shows that the average diet of low income families remains high in salt, sugar and fat and that they also do not eat sufficient fruit and vegetables.

“The problem is not that people don’t want healthy food; it is that shops in working class areas don’t give wide ranges of choice, and when they do it is too expensive. If you are poor you can’t afford to experiment with different foods. It’s cheaper to fill a biscuit tin than a fruit bowl. People need more money. This is not a food issue. It’s a poverty issue” – Joanna Blythman, leading food writer.

4.2.2 The explanation for this seeming contradiction lies in the cost of a healthy diet. Recent research by NCH, the children’s charity, showed that the average amount spent on food by a low income family with two children was just £50.71 a week. But the minimum amount that would be needed to provide a family with a low cost but healthy diet is £62.84 a week.

4.2.3 Many parents from low income families make sacrifices so that their children don’t go without. Almost half (46%) of the parents taking part in the NCH survey had gone short of food in the previous 12 months so that a child could eat or have some other essential.
4.2.4 The research showed that if parents on low incomes had more money they would use it to buy healthier foods for their children. But when money is short it is more likely that they will buy foods high in fat and sugar rather than those rich in nutrients. This is because -

(i) **Unhealthy foods are popular with children and less likely to be wasted:** When you have a limited budget you cannot afford waste. So parents tend to feed their children on things that they know the children will like and eat.

(ii) **Fast “Convenience” Foods make us feel full and therefore less hungry:** Hungry children aren't happy children. Unhealthy foods – chips, burgers, pizzas etc – are bulky and make us feel full and satisfied immediately after eating.

(iii) **Foods high in sugars, carbohydrates and fat cost less than healthy foods:** The most expensive shops are small general stores in low income communities. Buying healthy fresh foods can therefore end up costing a low income family up to 51% more than low-cost, nutritionally poor alternatives.

(iv) **Unhealthy Convenience Foods are easier to access:** The cheapest shops in low income communities are discount stores. The range of fresh fruit, vegetables is much more limited in such stores and many local greengrocers have closed due to competition from supermarkets. Poorer families are much less likely to own the cars needed to reach cheaper out-of-town stores.

4.2.6 Food poverty intensifies the problems caused by income poverty. Extending entitlement to free school meals could assist low income families by –

(I) Helping children from low income families get a large part of their daily calorie requirement from nutrient-rich school meals.

(II) Providing at least one nutritious meal a day and ensuring a more balanced diet including more fruit and vegetables.

(III) Providing access to healthier foods and thus assisting in changing our society’s unhealthy eating habits.

(III) Reduce the amount of additives in school-children’s diets and boosting local food economies by using fresh ingredients such as organic vegetables and fruit.

4.3 Why we need to extend entitlement: School Attainment

4.3.1 Children from low income families can be disadvantaged in life even before they’re born. Babies born into low income households are more than twice as likely to be low birth weight. Low birth-weight is associated with learning difficulties and health problems likely to affect attendance, and performance, at school. Children from lower income households also suffer overall poorer health compared to children from more affluent homes.
4.3.2 A number of studies have shown that concentration and performance at school are affected by hunger and diet. Children from low income houses who attend school hungry also perform less well in school tests than well-fed children from a similar background.\(^{11}\)

4.3.3 Research has also shown that pre-school children from low income households get significantly fewer foods containing essential vitamins and minerals.\(^{12}\) Getting enough of the correct healthy food to eat is also very important to children’s development. Children who are not eating enough healthy food tend to be less active and more apathetic. Undernourished children are also more susceptible to illness and thus more likely to be absent from school.

4.3.4 The cumulative effects of low birth weight, environment, poor diet and nutrition have a huge impact on the learning abilities of children from low income households. As a consequence literacy levels, behaviour and attainment levels are all affected.

4.3.5 Poor performance in a child’s first years at school is associated with leaving school early and without qualifications. Failure to achieve basic literacy and qualifications in turn makes long periods of unemployment and low paid work more likely in adult life perpetuating the cycle of poverty.\(^{13}\) In contrast over 50% of children from more affluent homes go on to University compared to only 10% from low income homes.\(^{14}\)

4.3.6 However inequalities at birth are not necessarily irreversible.\(^{9}\) Reducing social (wealth) inequalities could also help to reduce differences in educational attainment.\(^{9}\) Free school meals could be used as a key tool in not only improving the diet, nutrition and health of children but also in reducing those very same social inequalities which give those from more affluent households a head start at school.

4.3.7 Free nutritious school meals could assist Scottish children to develop to their full potential, achieve more in school tests and to have the literacy and qualifications to go on to higher education and better paid work.

4.4 Why we need to extend entitlement to free school meals: Health

4.4.1 Scotland has some of the worst health in Europe and a great deal of it is associated with our poor diet.

4.4.2 (i) Obesity: Obesity is now the second biggest cause of death after smoking. In the UK over 100,000 deaths each year are related to the type and quantity of the food that we eat. Obesity is the second biggest preventable cause of cancer. Obesity increases the risk of developing arthritis, heart disease, high blood pressure, infertility and type II diabetes.

“In the 1980s, the rise in obesity was mainly fuelled by people becoming less active but through the 1990s and into the present decade the main influence has been an increase in food provision. The food industry is providing more fat, more calories and more food to people who are becoming fatter. There are grounds on which government should have a moral obligation to intervene” – Professor Mike Lean, former member of the Scottish Executive’s Expert Panel on School Meals

(ii) According to the Health Education Board for Scotland (HEBS) the proportion of Scottish children suffering from obesity has doubled in the last 10 years and is expected to double again in the next ten. One in five Scottish pre-school children are overweight whilst 18% of twelve year olds are clinically obese.
A great many health professionals now agree that whilst free nutritious school meals are not sufficient to solve the coming obesity crisis they are absolutely necessary as a first step. With free meals we could begin to instil new healthier eating habits into our children. The alternative to paying millions for free school meals for today’s children may be paying billions in NHS care for tomorrow’s adults.

4.4.3 (i) Malnutrition: It is ironic that at a time when the problem of obesity is growing there is increasing evidence of Scots children being malnourished but the two issues are related. Because of poverty some of today’s children continue to receive insufficient healthy food to develop properly resulting in 18% of child patients at the Glasgow Sick Kids showing signs of malnutrition.

(ii) Other children receive plenty of calories and become obese but because the food they eat is lacking in vitamins and minerals they suffer from various mineral or vitamin deficiencies. Some of the illnesses/conditions related to vitamin/mineral deficiency are: Anaemia, Rickets, Spina Bifida, Cataracts, gum disease, Osteoporosis and Alzheimer’s.

(iii) These are growing health problems particularly amongst those from low income households. British children are eating less than half the fruit and vegetables recommended with many children from the lowest income groups eating no fruit at all on a daily basis.

(iv) We, as a society, not only need to lower the amount of calories we eat, but to increase the amount of nutrients and vitamins in our food, a difficult process unless we begin to eat a much more balanced diet. Achieving that balance could be made much simpler by ensuring that our children ate at least one, healthy nutritious meal a day whilst at school.

4.4.4 (i) Diabetes: About 1.4 million people in the UK are known to have diabetes. Around 85% of sufferers have Type 2 diabetes. The development of Type 2 diabetes is associated with obesity and is largely preventable.

(ii) With the proportion of people in society suffering from obesity increasing this will lead to a similar increase in Type 2 diabetes. Diabetes can cause nerve damage, kidney failure and blindness and greatly increases the risk of heart disease and strokes. It reduces life expectancy by up to 10 years.

(iii) The Government concluded that the best method of preventing an increase in Type 2 diabetes was by helping people to eat a more balanced diet. By offering balanced meals and healthier drinks (milk and water), as alternatives to fizzy/sugary ones, school lunches could play their part in reducing children’s risk of developing Type 2 diabetes.

4.4.5 (i) ADHD/Classroom behaviour: The number of prescriptions for Ritalin has increased tenfold in five years in Scotland and thousands of children have been prescribed it. Thousands of Scots children are also suspended from school each year because of disruptive behaviour.

(ii) Research by the UK’s Asthma & Allergy Research Centre concluded that “E” additives found in 40% of children’s foods were linked to hyperactivity and disruptive behaviour in a quarter of children. More recent research has identified that a lack of essential fatty acids in children’s diets could hinder brain development and also be linked to the growth in attention-deficit related disorders in children.

(iii) Improving children’s diet will not cure all children of ADHD. However children would benefit from increasing the amount of fatty acids in their diet by providing oily fish at school dinners. Similarly we could reduce the amount of ‘E’ additives and caffeine that children are exposed to by cutting down the use of processed food in school dinners.
4.4.6 (i) **Heart Disease:** Half a million Scots suffer from Coronary Heart Disease (CHD). It is the second largest cause of death after cancer killing 12,500 Scots each year. Though the death rate has declined recently it is still the second highest in Western Europe.

(ii) The risk of premature death from heart disease is greatly increased by diet related causes such as high cholesterol, obesity and Type 2 diabetes. So some of the biggest risk factors in developing heart disease could be reduced by improving the diet of today’s children.

4.4.7 **Strokes:** About 15,000 new strokes occur each year in Scotland. Between 20-25% are fatal. Strokes are also the biggest cause of long-term adult disability in the UK\(^\text{18}\). People from the most deprived areas are at roughly twice the risk of having a stroke as those from more affluent areas. The risk factors are the same as those for heart disease.

4.4.8 **Cancer:** Cancer is the biggest cause of death in Scotland. In 2002 15,000 Scots died from cancer\(^\text{19}\). Obesity and poor nutrition greatly increase the risk of developing cancer. If current trends continue obesity will soon overtake tobacco as the biggest cause of preventable cancer. We urgently need to find ways of changing children’s diets to increase the amount of fruit & veg that they eat thus increasing their protection from all forms of cancer. A balanced healthy free school meal each day would, at the very least, assist in that process.

4.4.9 (i) **Life Expectancy:** Life expectancy has been rising since Victorian times. British men can now expect to live for 76 years and women for over 80\(^\text{20}\). However in Glasgow’s poorest areas male life expectancy is just 64 years, 15 years less than in Britain’s most affluent areas. Glasgow’s women live on average for 76 years, more than 7 years less than the 83.4 year average of a woman living in wealthy West Somerset.

(ii) Britain’s life expectancy figures are evidence of a deeply divided society where wealth buys up to an extra 15 years of life. We face the very real prospect over the next decade of life expectancy falling further in poorer areas as obesity, diabetes and cancer claim more lives. Free school meals by reducing poverty and improving nutrition could narrow the widening gap between rich and poor.

4.4.10 **Conclusion:** The case is clear, extending provision of free school meals could have a significant positive effect in alleviating poverty amongst Scottish children and the food poverty experienced by many low income families and communities. At the same time free school meals could help improve school attainment particularly amongst low income pupils and address the grave, and growing, health problems connected to Scotland’s poor diet.

4.5 **Why we need to extend entitlement: The Scottish Economy**

4.5.1 For a country’s economy to thrive it needs a healthy workforce. The introduction of the NHS in 1948 led to a general improvement in the health of the British population. The British economy grew faster between the 1950’s and 1970s than it has in any period before or since.

4.5.2 Yet Scotland now has levels of poverty and ill-health which are far higher than those found in other European nations of a similar size (e.g. Norway, Sweden, Denmark). As long as we have high levels of poverty and ill-health Scotland will be at an economic disadvantage.

4.5.3 The most cost-effective way of delivering better health is by preventing people from becoming ill in the first place. The links between poor diet and the development of chronic illnesses are well proven. By reducing deaths from heart disease and strokes the Scottish economy could benefit by as much as £245 million a year\(^\text{21}\).
4.5.4 But poor diet causes many other illnesses and conditions other than heart attacks and strokes. So improvements in health which reduced the incidence of illness and early death would also boost the Scottish economy by improving competitiveness and stimulating growth.

4.5.5 Of all the health “time-bombs” facing Scotland perhaps the largest and most devastating is the problem of obesity. Dr Andrew Walker has estimated that the cost to the Scottish NHS of treating illnesses caused by obesity is £171 million a year. But the knock-on costs to the Scottish economy may be over £2 billion a year.

4.5.6 If, as expected, Scottish obesity rates double in the next ten years the economic damage of obesity is also set to double. That could mean that the total cost of obesity to the Scottish economy could reach over £4000 million a year. That would cripple our international competitiveness and do lasting damage to the Scottish economy. It would also place an intolerable demand on NHS services already stretched to the breaking point.

4.5.7 Thus if we look beyond the immediate costs of Free School Meals and instead look at the economic costs of doing nothing we can see that instead of the cost of Free School Meals being a burden on Scottish public expenditure it should be seen as an investment in Scotland’s future which will more than recoup its costs.

5 Universality vs Targeting

The School Meals (Scotland) Bill will extend entitlement to free school meals to all Scottish children in state primary schools and give Scottish Ministers powers to further extend entitlement to children in secondary schools on the basis of age, geography or pilot schemes.

The Bill’s proposers favour an approach based on universal entitlement rather than means-testing or targeting.

5.1 Many people favour extending the provision of free school meals but arguments exist as to whether this is best done by giving entitlement to all children (universal entitlement) or to means test entitlement to ensure that only those most in need receive it (targeting).

5.1.1 One of the arguments against universal provision of free school meals is that the state would end up subsidising meals for “rich” children. Surely the health of all our children is important. Being a bit better off isn’t protection from poor health resulting from bad eating habits. Habits are learnt young. So if we want to change our society’s eating habits we have to start in childhood and all children have to be involved.

5.2 Means testing/Targeting: Means-testing is inefficient. Benefits which are “universal” are the ones which nearly everybody actually claims. So Child Benefit and the Old Age Pension are claimed by nearly 100% of those eligible.

5.2.1 But, when benefits are means-tested, less people claim them, often because of the stigma attached. For example Britain’s poorest pensioners are losing out on as much as £2.5 billion pounds a year in help because they fail to claim means tested benefits. What happens to poorer pensioners is true for school meals too. Throughout Scotland just two out of three pupils entitled to free school meals actually claims them.

5.2.2 Research undertaken by Dundee University demonstrates that means-testing is economically inefficient and results in many children in need of free meals missing out. The
researchers conclude that, taking into account stigma and the administration of means testing, universal provision makes the greatest sense.

5.2.3 Those who defend the current entitlement system for free school meals claim that it is better to “target” help on the most needy rather than wasting resources on paying for free meals for children from affluent families. However there is a problem with this approach. The free school meals miss their intended target.

5.2.4 In 2003/4 over 40,000 school-children did not claim free meals to which they were entitled and another 70,000 children whose parents were claiming Working Families Tax credits were not entitled. That resulted in over 100,000 children classified as living in poverty who did not receive free school meals. That’s 10,000 more than the 96,000 who did receive them. “Targeting” lets down the majority of poorer children who need its help.

5.2.5 Removing the burden of paying for meals for the 70,000 Scots children of low paid parents on Working Families Tax Credits would put tens of millions of pounds a year back into the pockets of the working poor. It would also remove the stigma of claiming free meals from the 40,000 children who are currently subjected to bullying and taunting.

5.2.6 Nobody is claiming that free school meals would end child poverty in Scotland. But low income families could benefit by as much as £386 a year for each child at school. That would buy a lot of fruit and vegetables if left in the hands of poorer parents.

“We don’t means test children to allow them access to schools, hospitals and libraries. It is an absolute disgrace that we means test children in relation to school meals. From the age of five we divide and label kids according to the income of their parents” – Tommy Sheridan MSP

5.3 The stigma of being poor: Over 43,000 Scots children end up not taking free meals even though they are entitled to them. When the Child Poverty Action Group surveyed children in 1999 to ask “why?” they said that they were made to feel different and ashamed because they were poor and their families had to rely on “hand-outs”.

5.3.1 In some Scottish schools children on free meals are given different coloured tickets, in others they have to join a separate queue, in a few they only get to eat what’s left after other children who have paid get first choice. This means that children who live in poverty are easily identified by their schoolmates, leading to teasing and bullying.

5.3.2 The Free School Meal Expert Panel’s report “Hungry for Success” recommended that school meal ticketing systems which allowed free school meal recipients to be identified should be ended. The Scottish Executive acknowledged that stigma was a genuine barrier to take-up and promised that these discriminatory practices would end. However the Scottish Executive’s own figures show that only 26% of mainstream schools have an anonymised system for receipt of free school meals.

5.3.3 Even where anonymised “smart card” systems are in use children from wealthier homes can afford to purchase more so the free school meal recipients are still easily identified as those with the least on their trays. Stigma will always exist where some children pay and some get free meals. The only way to end stigma is to give all children the same entitlement.

5.4 Cost does matter: The cost of paying for school meals puts a real strain on poorer families’ finances. Many children’s parents just can’t afford school meals. Research conducted in 1998 found that 10% of children don’t take school meals because of the cost.
5.4.1 In addition the price of school meals varies across Scotland. In 2004 the cost of a school lunch for a primary pupil in Glasgow was £1.15p a day but £1.93 for a secondary pupil in Aberdeenshire. That could mean poorer parents with three teenagers having to find £30 a week to see that their kids get a meal at school.

“It (Free School Meals) could be a perfect example of the government taking real action and not just producing nice targets or another glossy report about tackling poverty. It could be social justice in action and if the Scottish Executive is worried about the rich gaining unfairly then they should know what to do. Simply tax them!” – Rozanne Foyer, Secretary, STUC Women’s Committee.

5.4.2 Taking all these factors into consideration Frances Curran MSP believes that if entitlement to free school meals is to be extended it should be done on the basis of universal entitlement. However the Free School Meals Bill debated in the last Parliament which also favoured universal provision was defeated. Therefore the new bill proposed by Frances Curran MSP instead seeks to extend entitlement to all primary school children as an initial step.

5.4.3 The Free School Meals Campaign believes that this preserves the principle of extending entitlement on a universal basis and avoids increasing the number of children who would be means tested and stigmatised if entitlement was extended on the basis of income or benefit entitlement. Frances Curran MSP, and the Free School Meals Campaign Group, see this as an initial step towards universal entitlement for all children at a later date.

5.4.4 The additional powers given to the Scottish Ministers by the Bill would also allow them to later extend entitlement to older children, or to all children in deprived areas or even to establish pilot schemes to measure the policy’s effectiveness.

6 Healthy Meals: The need for Nutritional Standards

The School Meals (Scotland) Bill would require Scottish Ministers to set national nutritional standards which all local authorities, schools, and school caterers would have a legal requirement to meet. Parents and children would also be given the legal right to enforce standards to ensure that they were met.

6.1 Healthy food: Extending the provision of free school meals to all pupils will be of little use if the food which they are provided is not nutritious. Unfortunately this cannot be guaranteed unless the nutritional standards of school meals are raised.

6.1.1 In 2003 the Soil Association investigated the nutritional standard of school meals in England. They found that the average cost of ingredients for primary school meals was 35p a head. This compared to Government spending of 60p a head on lunch for prisoners held in Her Majesty’s Prisons. The campaign group described the school meals as "muck off a truck".

6.1.2 This low spending means that low-quality processed food is used rather than fresh ingredients. Processed foods tend to be higher in fat, sugar & salt than their fresh equivalents. The Westminster Government set new guidelines for the nutritional standards of school meals in England in 2001. Yet the Soil Association report found that the amount caterers were spending on fresh ingredients had continued to fall even after the introduction of the guidelines!
“...the same trends now dominating choices in the supermarket and displacing fresh food from domestic kitchens are eroding the quality of school meals. With profit in the driving seat, 'convenience' foods have replaced time, labour and skill devoted to tasty and wholesome dishes made from scratch,” “Muck off a Truck” report, the Soil Association.

6.1.3 Perhaps this is because school meals provision is contracted out to private firms whose main aim is to maximise profits for their shareholders. The easiest way to achieve higher profits is to cut costs and, as we already know, unhealthy food is cheaper than nutritious food. Or as the Soil Association concluded “cost remains king above all other measures of value”27.

6.1.4 The situation in Scotland is somewhat different to that in England & Wales. After the campaigning work around the previous Free School Meals Bill there was a public debate around the standard of school catering. New nutritional guidelines were issued after the “Hungry for Success” report. In addition an extra £63 million was set aside by the Scottish Executive to improve the quality of school meals and facilities in school kitchen & dining areas.

6.1.5 The new School Meals (Scotland) Bill would require Scottish Ministers to set national standards for nutrition and to bring them before the Scottish Parliament for approval. There are already a number of sets of nutritional standards for children in use. For example there are guidelines set by the Caroline Walker Trust (a charity providing nutritional advice). These guidelines state the amount (percentage and weight) of nutrients needed including energy, fat, carbohydrate, fibre, protein, iron, calcium, Vitamin A, Vitamin C, folate and sodium. The Food Standards Agency also set up an expert panel which agreed minimum nutritional standards for children.

6.1.7 The current Scottish Nutrient Standards for School Lunches set by the Scottish Executive are based on the Caroline Walker Trust recommendations. However anecdotal evidence suggests that these standards are still not being met in all schools and that merely making a balanced diet available is of no use if junk food of low nutritional value dominates the dinner menu and children can choose it on a daily basis.

6.1.8 The Soil Association recommends that nutritional standards should be based on the Department of Health’s daily nutritional recommendations for children. If these were adopted as the basis of new standards then school meals should provide children with 40% of their daily requirements in respect of positive elements in the diet (including two fresh vegetable portions), and no more than 30% of daily requirements in respect of negative elements (including salt).

6.1.9 Importantly the new Bill would also provide parents and children with a means of ensuring that, whatever standards are eventually adopted, they are actually met on the ground in schools by local authorities and caterers. If parents or children believed that meals were not of the statutory standard they could raise a complaint.

6.1.10 It is envisaged that parents or children would initially raise the complaint with the local authority who would be obliged to investigate it and address the concerns raised. If parents or children felt that the investigation or response was unsatisfactory they would then have the right to have it independently investigated and adjudicated on by the Schools Inspectorate.

6.2 Local Food: Why do we add to existing traffic congestion by transporting unhealthy, highly processed food hundreds of miles to feed school-children and hospital patients when better, healthier food is produced on our doorstep?

6.2.1 As a society we should be seeking to reduce the number of Food Miles involved in feeding our school-children. This isn’t an impossible task. In Italy there are now over 300 school meal schemes...
which use locally produced organic food. Here in Scotland East Ayrshire’s schools have also begun to use local, unprocessed food in school dinners.

6.2.2 Though the School Meals (Scotland) Bill does not set specific targets for the use of organic, locally sourced and unprocessed foods in school meals we believe that we need a national debate on these issues. Of course it is also entirely possible that the nutritional standards for school meals drawn up by Scottish Ministers could include such targets.

6.3 Culturally Appropriate Food: If we talk about real choices being available to children then they must be able to access food which is culturally appropriate; suitable for those with special dietary needs (e.g. wheat free) and which offers real choice for vegetarians. The Free School Meals (Scotland) Bill will give children the right to access free meals which are culturally and dietarily appropriate to their needs.

7 Getting kids to eat the meals – Jamie, Sweden, & Finland

7.1 Jamie Oliver, the celebrity chef, recently ignited the debate on what our children are eating at school. After “Jamie’s School Dinners” was broadcast over 270,000 people signed his online petition demanding that the quality of school meals be improved and money invested in the training and pay of “dinner ladies”.

7.2 However Jamie’s programmes also showed that children could be persuaded to eat nutritious food if the junk was banned. Jamie has done everyone a service by showing that our children are being fed school meals of low nutritional quality in order to save money. This penny-wise, pound-foolish approach still applies in Scotland, even though the Scottish Executive have provided funding for temporary improvements in the quality of ingredients.

7.3 Scotland and Finland are very similar countries. Both are on the edge of Europe, have poor climates and about the same population (5 million). Up until the 1970s both shared similar diets and tragically high rates of heart disease. But thirty years later, whilst Scotland still has the second worst record for deaths from heart disease in the whole of Western Europe, Finland has instead seen a 60% decrease in deaths from heart disease.\(^{28}\)

7.4 Thirty years ago the Finnish Government began a campaign to reduce the amount of fat in people’s diet and to increase the amount of fruit and vegetables that they ate. The Finns themselves say that the most important factor in reducing the rate of heart disease was ensuring that all their school-children had access to nutritious free school meals. The Finns can’t even understand the argument that only some children should receive free school meals.

7.5 In Finland school lunches are simple but healthy with lots of soup and fresh fruit. In Scotland critics of universal provision of free school meals say that a lot of pupils wouldn’t take them. But in Finland over 90% of pupils take free lunches, the few that don’t tend to be those that live near their school and can go home for lunch.\(^{29}\) The results are clear. In just over a generation the Finnish population is healthier and much less prone to heart disease.

“There is little point in providing a free school meals service unless it is tasty, attractive and nutritious. But there is little benefit in enforcing such standards unless there is a mechanism of delivery which maximises the take up amongst children. That mechanism is universally free school meals. The Free School Meals Bill is both visionary and achievable.” - Dr David Player, former director of the Health Education Council & Scottish Health Education Group
7.6 **Sweden**: Sweden introduced free school meals for all pupils in 1973. During the 1990s some local authorities began to charge for school lunches but there was strong public opposition to this new policy. In 1998 a new law was introduced which obliged local authorities to provide free meals to all pupils in compulsory education.

7.7 The nutritional “Guidelines for School Meals” are developed by the Swedish Food Administration. Low fat milk and water are the only drinks served daily with orange juice served occasionally. Minimum portion sizes of fruit and vegetables are specified in the guidelines.

7.8 Sweden, like Finland seems to have no trouble in getting children to take the free lunches with 85% of school pupils taking free meals each day. Teachers sit with pupils and value the experience as part of the “whole-child” approach. The high attendance at school lunches is seen as helping young people to improve their behaviour by socialising with adults.

8 **Banning the junk**

| The School Meals (Scotland) Bill would give Scottish Ministers the power to regulate the advertising and promotion of consumables within schools. Effectively Ministers could ban vending machines selling junk food from Scotland’s schools. This is to ensure that the better nutrition provided by healthy, free school meals is not undermined by the continued marketing of foods of low nutritional value to school-children whilst at school. |

8.1 **Food promotion to children**: Globally the food industry spends **£25 billion** a year advertising its products. In industrialised countries, like Great Britain, food advertising accounts for around half of all advertising broadcast during children’s peak viewing times and three quarters of these adverts are for high calorie, low nutrient foods.

8.1.1 Products are targeted towards children and parents’ purchasing is influenced through the “pester power” of their children. A Food Standards Agency Study concluded that food advertising does influence children’s diets.

8.1.2 This is reflected in the eating habits of Scottish children. Research carried out by the World Health Organisation (WHO) found that Scots children consume more fizzy drinks than kids anywhere else in Europe. A high proportion also admitted to eating sweets every day.

8.2 **Fizzy drinks, sweets and crisps – any better than cigarettes?** If anyone suggested that we let tobacco companies advertise their products in our schools and install cigarette vending machines in the corridors there would be justifiable outrage from parents and health professionals. Yet obesity and diet related diseases caused by eating an unhealthy diet will very shortly become a greater cause of premature death than lung cancer.

8.2.1 Schools, instead of being discouraged from installing vending machines dispensing these health destroying products, have instead been encouraged to view them as a useful source of additional revenue which can pay for “extras” like text books and school outings.

8.2.2 Even worse, schools have been encouraged to enter into “partnerships” with soft drink, confectionary and fast food firms. For example - the fast food chain “McDonald's” sponsors school football and gives free football gear to children's teams. In return McDonalds gets lots of free, positive local and national media coverage.
8.2.3 Among the finalists in Sportscotland’s Scottish Sports Sponsorship 2004 Awards were Coca Cola and McDonalds. McDonalds and other fast food companies also sponsor events at party political conferences and pay for advertising for Scottish MPs and MSPs. Current rules not only allow companies to advertise indirectly in schools through “sponsorship” but also allow them to produce learning materials which are then used by schools.

8.3 Banning the junk - Local Authorities and Schools: Is it any wonder that children continue to choose unhealthy foods when they are subjected to a barrage of advertising even whilst at school? If we hope to change Scottish children’s dietary habits we must restrict the advertising of, and easy access to, junk food and sugary soft drinks in our schools.

“You are supposed to be at school to get an education and shouldn’t have all these companies saying ‘buy this and buy that’” – School pupil, Bryony MacLeod, of the Ban the Brands Campaign

8.3.1 In 2004 Highland Council became the first local authority in Scotland to announce that it intended to ban fizzy drinks from its school canteens and vending machines. Edinburgh City Council has also announced that it will stop stocking fizzy drinks in its schools by 2007. Other councils are considering similar bans.

8.3.2 Amongst those favouring a ban on the sale and marketing of junk food in schools are the Chief Medial Officer for Scotland, the British Medical Association, the Royal College of Nursing, the Consumers Association, the Educational Institute of Scotland, the National Union of Teachers and the Food Commission.

8.3.3 There is also strong support from parents for such a ban. 69% of the parents taking part in an ICM/Guardian poll supported a ban on vending machines selling crisps, chocolate and fizzy drinks in schools. The strongest support for a ban came from parents on low incomes. 66% of parents on low incomes also supported a ban on all food advertising aimed at children.

8.3.4 Introducing a national policy whereby Scottish Ministers could regulate and effectively ban the advertising of junk food or the vending machines which market junk food in schools would provide a lead to school pupils, whilst ensuring that there is a uniform approach to the problem across the whole of Scotland.

9 Children Need Milk & Water at Lunchtime:

The School Meals (Scotland) Bill will give children the right to be provided with free milk and water with their school meal.

9.1 Levels of dental decay are strongly related to poverty and deprivation. The poorest 10% of children had over 50% of all decay when the dental health of Scottish children aged 5, 12 and 14 years was surveyed in 1999. Whilst dental decay could partly be addressed by making sure that children clean their teeth it is also heavily related to diet.

9.2 The more sugar in the diet the greater the risks of tooth decay. Many schools have vending machines which dispense brand name soft drinks that are high in sugar (Coca Cola, Lilt, Seven Up etc). In some school dining rooms it is still cheaper for children to buy sugary soft drinks than milk or bottled water. The School Meals (Scotland) Bill would remove all such vending machines from schools.
9.3 Water is also a key ingredient in helping our body to function at its best. Even mild dehydration is significant for health and well being. When we are thirsty our mental performance deteriorates by as much as 10% \(^3\). Pupils concentrate better if they have drunk enough water.

9.4 Providing children with a free alternative of water or milk at school lunches would encourage them to drink less of the sugary drinks which are bad for their teeth and ensure they had free access to more calcium (from milk).

9.5 As the diet of many teenage girls has been found to be deficient in calcium the provision of low fat milk at school lunches could also help prevent the development of osteoporosis in adulthood.

9.6 At the time of “Hungry for Success” the Scottish Executive provided funding to local authorities to install water dispensers in schools and ensure that children had access to free, clean drinking water. However there is anecdotal evidence that in some schools the dispensers have not been maintained whilst in others they are covered up and effectively ‘out of bounds’ to children. That is why the proposal for the Free School Meals (Scotland) Bill will include a section guaranteeing that children have access to a free drink of either milk or water provided with their free school meal.

10 Good practice and progress: Hull, Wales & Glasgow

10.1 Hull: The City Council has introduced Free School Meals for all primary school pupils attending schools in the local authority area. But primary pupils in Hull won’t just receive free lunches, they will also receive free breakfasts, fresh fruit & free snacks in after school clubs.

10.1.1 Hull Council has introduced this policy for two reasons – to improve children’s ability to learn and to improve their future health as adults. The breakfast clubs have been introduced to ensure that pupils don’t start school hungry and are thus better placed to learn.

10.1.2 Hull City Council had many obstacles to overcome to introduce free school meals, not the least of which was that what they planned to do was illegal! Westminster law specifically prevents local authorities from providing free school meals to children whose parents are not in receipt of Income Support. That meant that Hull had to ask the Westminster Government for special permission to introduce their scheme.

10.1.3 Hull argued that evidence from pilot projects and previous studies showed that there were strong links between a healthy diet, children’s school performance, social skills, children’s self-esteem and behaviour. The Government was convinced by the strength of these arguments and permission to provide free lunches was given.

10.1.4 Take-up of school meals has increased from 40% to 80% since the introduction of free meals and the council is now examining how it can identify the funding to extend entitlement to secondary school-children. Unlike Hull the Scottish Parliament does not need Westminster’s permission to extend free school meals provision, just initiative and courage.

“Elsewhere in the world, tackling children’s nutrition has had a dramatic effect on health and longevity. We also expect it will impact dramatically on levels of attendance and attainment in Hull schools” – Colin Inglis, leader Hull City Council
10.2 Wales: Like Scotland, Wales has devolved government and the Welsh Assembly has control of the health and education budgets and so is able to spend this money to improve the lives of the Welsh people.

10.2.1 Perhaps the most radical policy introduced by the Assembly has been to make free breakfast clubs available to all pupils in Welsh primary schools. Initially the breakfast clubs are being piloted in socially deprived areas but by September 2006 all primary schools in Wales will have them. As far as possible the breakfast foods will be locally sourced and have been designed to be both filling and nutritious with cereals, fruit and toast on offer.

10.2.3 The free breakfast proposal has the support of health professionals and the National Union of Teachers who believe that the breakfasts will help pupils concentrate, socialise more and assist parents who are under pressure at work.

"Why free? – To help tackle poverty… By not confining the scheme to those entitled to free school meals we also avoid the problem of stigma with very young children" – extract from “Ten Steps to a Stronger Wales”, Welsh Labour, 2003

10.3 Glasgow: Glasgow has the worst health problems in Scotland with men in the Sighthill area having the lowest life expectancy in Britain. It also has the highest proportion of people living in poverty with over 50% of children living in households below the income poverty line.

10.3.1 Such damning levels of inequality of both health and wealth demand radical solutions. Fortunately the City Council in Glasgow has been willing to consider them. They have adopted several measures to improve the health and nutrition of the city’s children and future citizens.

10.3.2 The City Council collaborates with Greater Glasgow Health Board to provide free fruit to school pupils. The Fruit Plus schemes ensure that children between 3 and 12 years of age in nearly 400 council-run primary and nursery schools are provided with free fruit every day during the school term.

10.3.3 The City Council has also introduced free breakfasts for all its primary pupils to provide all children with a nutritious, filling meal prior to the start of their school day. Like the Welsh Assembly, Glasgow believes that universal provision of free breakfasts is required to ensure that no child is put off from starting the day with a healthy meal through cost or stigma.

“…. the principle of universal provision is something we want to look at. We already provide free fruit and free school meals at breakfast time – and it is working” – Cllr Steve Purcell, Education Convenor, Glasgow City Council

10.3.4 In addition Glasgow City Council has announced that it plans to introduce free lunches for every pupil by 2007 and will begin the process with a pilot project in 2005. The annual cost to the City Council of introducing this policy would be £7.5 million if meals were provided for all pupils and £4.5 million if only primary school pupils became entitled.

10.3.5 Although Glasgow City Council is undoubtedly leading the way there are many other examples of good practice and innovation in other Scottish local authorities. However isn’t it about time that a national problem was addressed with a national solution?
Appendix I: Early History of Free School Meals

I.I The appalling effects that poverty and malnutrition have on the health of poorer children were first reported by social researchers in late Victorian times. Their research prompted a variety of charitable and local authority responses.

I.II Manchester became the first local authority to provide free school meals to “destitute and badly nourished children” in 1879. By 1892 forty-five local school boards in England were providing school meals. In 1900 the Lord Provost of Glasgow began the first school meals service in Scotland through the establishment of a special fund. By 1904 three hundred and fifty voluntary bodies existed to provide meals for underfed children.

I.III “Universal” free school meals for all local school-children were first introduced in 1904 by the local council in Bradford. The city council initiated the measure in response to the hunger and illness that the city’s working class school-children were experiencing. In providing school meals from local authority funds the council were breaking the then UK law which forbade such expenditure. However Bradford argued that if the law made it compulsory for parents to send children to school it should also be compulsory for the Government and local authorities to feed them whilst they were there.

I.IV In 1906 Fred Jowatt, the councillor who introduced Bradford’s free school meals policy, was elected as MP for the city. With Government support he introduced an Education Act which empowered local authorities to provide free meals to the poorest children. The later (1914) Provision of Meals Act gave the exchequer the power to cover half the cost of meals and by 1920 over one million pupils were receiving school meals.

I.V The Second World War prompted the introduction of a national school meals policy with the meals, staffing and organisation of the service at a local level subsidised by the Government. The price of meals was fixed at 5d (2p).

I.VI The “Beveridge Report”, published in 1942 contained the policies which led to the formation of the modern welfare state – the establishment of a National Health Service, pension and benefit provision and comprehensive education. It also included arguments favouring the introduction of free school meals in order to tackle childhood poverty and the ill-health that flowed from it. The report’s recommendations were taken up, and eventually supported, by all the major parties.

Consultation Questions

In order to help inform debate on the questions covered by this consultation paper on the bill, I intend making copies of the responses received publicly available, unless respondents indicate that all or part of their responses is confidential. Such confidentiality will be strictly respected and these responses will only be used in statistical analysis.

Name and Address of Individual or Organisation responding
Q 1 (a) The main proposal of the Free School Meals (Scotland) Bill is to provide free school meals to all Scottish children in state primary schools. Do you support this extension?

Yes/No

Q 1 (b) Why do you favour this?

Q 2 (a) As well as extending entitlement to free school meals to all primary school children, the Bill would also give powers to Scottish Ministers to further extend provision to older children. On what grounds would you favour extension to older children – (please tick all the options which you would support)

(i) Geography (e.g. schools within areas of social deprivation or particular local authorities)
(ii) Age
(iii) Pilot schemes (individual or groups of schools chosen to test the effects of free school meal provision on health, attendance, attainment etc).

Q 2 (b) Why do you favour extension on these grounds?

Q 3: The Bill would give free school meals to all primary school children in state schools but if Ministers chose to further extend provision to older children, who would you support gaining entitlement? -

i) All children in state schools up to the Minimum School Leaving Age (16)  
Yes/No

ii) All children in state schools up to a certain age (State age)  
Yes/No

iii) All children attending state secondary schools?  
Yes/No

iv) Other (please state what age and why)

Q 4 (a) At the time of the “Hungry for Success” report, Scottish Ministers introduced measures to eliminate children experiencing stigma when they took free school meals. In your personal or professional experience do you believe that stigma still exists for those claiming free meals

Yes/No

Q 4 (b) If yes. How can stigma best be eliminated?
Q 5: Do you think that the advertising of junk food and fizzy/sugary drinks in schools should be regulated and effectively banned?
Yes/No

Q 6: Do you think that vending machines dispensing unhealthy foods should be regulated and effectively banned from school premises?
Yes/No

Q 7: The Bill will require Scottish Ministers to set nutritional standards for school meals. Which existing set of standards do you think they should be based on –
(i) Caroline Walker Trust
(ii) Food Standards Agency
(iii) Other (Please state which and your reasons).

Q 8: Who do you think should be ultimately responsible for dealing with complaints about the nutritional quality of school meals?
   i) Local authorities
   ii) Individual schools
   ii) The Schools Inspectorate
   iii) Someone else (please state who).

Q 9: How would you encourage children to eat healthier food?

Responses

Please send responses to this consultation to:
Free School Meals Consultation
c/o Frances Curran MSP
References:

1) “Defining income poverty out of existence?” - Paul Dornan, Poverty 117, CPAG, Winter 2003


4) “Low cost but acceptable: a minimum income standard for working households with children living in Swansea”, Family Budget Unit, Unison Cymru, 2002

5) All figures from “Going Hungry: the struggle to eat healthily on a low income”, NCH, 2004


14) “Minority and Social Diversity in Legal Education”, S Anderson and L Murray, NFO/System Three, P Maharg University of Strathclyde, Social Research, Scottish Executive 2003


17) “Omega-3 Fatty Acids in boys with behaviour, learning and health problems”, Stevens et al, Physiology & Behaviour, USA, 1996


21) “School Meals, public health and the Scottish economy”, M Zabihollah & Dr C Morelli, paper for CPAG Free School Meals Seminar, Feb 2002


23) Estimate by Age Concern based on DWP figures on benefits unclaimed by those of pensionable age. For more on issue see – http://www.ageconcern.org.uk/AgeConcern/news_2669.htm

24) "Universal versus Targeted Benefits: The distributional effects of free school meals", Carlo Morelli & P. Seaman, Dundee Discussion Paper no. 173, Dundee University


32) “Broadcasting bad health: Why food marketing to children needs to be controlled”, K Dalmeny, E Hanna & T Lobstein, for the International Association of Consumer Food Organisations (IACFO), IACFO response to the WHO consultation on a global strategy for diet and health, 2003


34) “Health Behaviour in School-Aged Children: A WHO Cross National Survey (HBSC)”, Research Unit in Health & Behavioural Change, Univ. of Edinb rgh on behalf of WHO, HBSC, 2004

35) “Water is Cool”, Campaign website, 2004 see: http://www.wateriscoolinschool.org.uk/
EDUCATION COMMITTEE

Subordinate legislation

The Additional Support Needs Tribunals for Scotland
(Practice and Procedures) Rules 2006

1. The purpose of this instrument is to fulfil the undertaking given by Peter Peacock, the Minister for Education and Young People, to the Education and Subordinate Legislation Committees to bring forward an amendment to (SSI 2005/514), the Additional Support Needs for Scotland (Practice and Procedures) Rules 2005.

2. The Education Committee is the lead committee for this instrument and should report to the Parliament by 17 April 2006. The Minister responsible is Robert Brown, Deputy Minister for Education and Young People.

3. A copy of the SSI, an explanatory note which is not part of the Regulations, and the Executive Note are attached.

4. A note on procedure for considering SSIs is attached overleaf. This is a negative instrument.

5. The Subordinate Legislation Committee considered the SSI at its meeting on 14 March following a response to points of concern it had raised with the Scottish Executive on grounds within its remit. The Subordinate Legislation Committee’s concerns were only partly satisfied by the Scottish Executive’s response and it draws the lead committee’s attention to defective drafting.

6. The relevant extracts from the Subordinate Legislation Committee’s 13th report 2006, SP521, published on 15 March is attached as ED/S2/06/7/2/A.

7. The Committee is invited to consider whether it wishes to make any recommendation in relation to the instrument. The instrument is not subject to amendment.

Eugene Windsor
Clerk
Education Committee
Procedural Note

Standing Orders

1. The procedures for dealing with Scottish Statutory Instruments (SSIs) are covered by Chapter 10 of Standing Orders. SSIs are laid by being lodged with the chamber clerks, and are published in the Business Bulletin. They are referred to the Subordinate Legislation Committee, the appropriate subject committee (the ‘lead committee’), and, where relevant, any other committee.

SSIs subject to annulment: ‘negative instruments’

2. Where an SSI is subject to annulment, it comes into force on a specified date and then remains in force unless it annulled by the Parliament. Any MSP may by motion propose to the lead committee that the committee recommend that nothing further is to be done under the instrument. Such motions are lodged with the chamber clerks.

3. The lead committee debates such a motion for no more than 90 minutes.

4. The lead committee reports to the Parliament, setting out its recommendations. If it recommends annulment, the Bureau will propose to the Parliament a motion that nothing further is to be done under the instrument.

5. All the above must take place within 40 days of the instrument being laid, excluding recesses of more than 4 days.

6. To date, no motion to annul SSI 2006/88 has been lodged with the chamber clerks.

5. The Committee noted in rule 7(2) that the effect of the reference to rule 15 was uncertain. It was not clear to the Committee how far, if at all, rule 15 can apply to a direction under rule 7. The Committee therefore asked the Executive for clarification.

6. The Executive, in its response printed at Appendix 2, informed the Committee that rule 7(2) provides that rules 15 and 17 apply to a direction under rule 7(1).

7. The Executive was grateful to the Committee for drawing the interplay of rule 7(2) and rule 15 to its attention. It is now of the view that the reference in rule 7(2) to rule 15 should be amended, and intends to do so. However, the Executive is of the view that the current wording of rule 7(2) does not cause particular or immediate difficulty in the application of these Rules. The Committee is of the view that this will only be the case if the rule is disregarded.

8. The Committee does not share the Executive’s view and is concerned that the paragraph is effectively impossible to apply not only as regards the reference to rule 15 but also in relation to rule 17.

9. The Committee therefore draws the attention of the lead Committee and the Parliament to the Rules on the grounds of defective drafting of regulation 7(2) which has been acknowledged in part by the Executive

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APPENDIX 2


On 7th March the Committee asked the Executive for an explanation on the following matter:

“With regard to rule 7(2), it is not clear to the Committee how rule 15 can apply to a direction under rule 7: for example, paragraph (5)(b) of rule 15 refers to rule 16 but that rule is not applied by rule 7. It is unclear whether the intention is to apply only parts of rule 15. The Committee therefore seeks clarification of the meaning and effect of rule 7(2).”

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1 This note retains the paragraph and appendix numbering of the original Subordinate Legislation report.
The Scottish Executive responds as follows:

1. Rule 7(2) states that rules 15 and 17 apply to a direction under rule 7(1). The direction under rule 7(1) is when the convenor directs the appellant to send further and better particulars of the grounds of reference to the Secretary within 10 working days of the receipt of notice of such a direction. Rule 15 is the general power re directions while rule 17 concerns failure to comply with a direction. Rule 17 can be applied to a direction under rule 7(1) because if the direction under rule 7(1) is not complied with then the convenor has open to him the powers under rule 17(1).

2. The Executive is grateful to the Committee for drawing the interplay of rule 7(2) and rule 15 to our attention. We are now of the view that the reference in rule 7(2) to rule 15 should be amended, and it is our intention to do so. However the Executive are of the view that the current wording of rule 7(2) does not cause particular or immediate difficulty in the application of these Rules.