



**Notice of a public meeting of  
School Meals Scrutiny Review Task Group**

- To:** Councillors Brooks, Fitzpatrick, and Potter  
Mr Pennington
- Date:** Monday, 27 January 2014
- Time:** 5.30pm
- Venue:** The Thornton Room - Ground Floor, West Offices (G039)

**AGENDA**

**1. Declarations of Interest**

At this point, Members are asked to declare:

- Any personal interests not included on the Register of Interests
- Any prejudicial interests or
- Any disclosable pecuniary interests

Which they may have in respect of business on this agenda.

**2. Minutes** (Pages 3 - 6)

To approve and sign the minutes of the meeting held on 25 November 2013.

**3. Public Participation**

At this point in the meeting, members of the public who have registered their wish to speak on an item on the agenda or an issue within the Task Group's remit can do so.

Anyone who wishes to register or who requires further information is requested to contact the Democracy Officers for this meeting, details of whom are listed at the foot of this agenda.

The deadline for registering to speak is **5:00pm on Friday 24 January 2014.**

**4. School Meals Scrutiny Review - Interim Report** (Pages 7 - 54)

This interim report presents the final information gathered in support of this review and asks the Task Group to identify their review conclusions and draft recommendations.

**5. Urgent Business**

Any other business which the Chair considers urgent.

Democracy Officers:

Name: Louise Cook/Catherine Clarke (job-share)

Contact Details:

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For more information about any of the following please contact the Democracy Officers responsible for servicing this meeting.

- Registering to speak
- Written Representations
- Business of the meeting
- Any special arrangements
- Copies of reports

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### **Scrutiny Committees**

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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City of York Council

Committee Minutes

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MEETING	SCHOOL MEALS SCRUTINY REVIEW TASK GROUP
DATE	25 NOVEMBER 2013
PRESENT	COUNCILLORS BROOKS, FITZPATRICK (CHAIR), PENNINGTON AND POTTER

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### 1. **DECLARATIONS OF INTEREST**

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda. None were declared.

### 2. **EXCLUSION OF THE PRESS AND PUBLIC**

Resolved: That the public and press be excluded from the meeting during the consideration of annex B to agenda Item 4 on the grounds that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) This information is classed as exempt under paragraph 3 of Part 1 of Schedule 12A to Section 100A of the Local Government Act 1972 (as amended).

### 3. **PUBLIC PARTICIPATION**

It was reported that there were no registrations to speak under the Council's Public Participation Scheme.

### 4. **SCHOOL MEALS SCRUTINY REVIEW - INTERIM REPORT**

Members considered a report that presented further information in support of the ongoing scrutiny review of school meals.

Officers gave an update and stated that since the Department of Education had announced that from September 2014 all key stage 1 pupils would receive free school meals, representatives from the Local Authority and ISS, the Local Authority's current school meals provider, had met to discuss the implications this

would have on schools and the potential impact on their current school meals contract.

The Task Group welcomed a representative from ISS to the meeting and recognised that the recent announcement would lead to a substantial increase in the numbers receiving a school meal. ISS explained their solutions to the challenges they faced and what offer they had made to the authority.

Members raised their concerns and discussed the cost implications. Officers confirmed they were working with schools to help address the affect this change may have especially on the current kitchen facilities, space, pupils, staff and the running of the school day.

As part of the review the Task Group members were visiting a number of schools over the lunchtime period to view the facilities and to raise questions with the pupils, teaching and catering staff. So far York High, Robert Wilkinson, Carr Junior and Joseph Rowntrees School had been visited. Members gave a brief update on their visits and agreed to send all feedback to the Scrutiny Officer who would collate the information for insertion in the draft final report for this review.

Discussions took place regarding moving this review forward and it was felt it would be beneficial to receive some parental input. Officers agreed to send a press release to the York Press requesting parent's feedback on school meals.<sup>1</sup>

Members also agreed to note any equalities issues and would ask relevant questions on their visits to ensure there were no barriers at meal times for any pupils.

Resolved:

- (i) That the new information provided in support of this review as shown in paragraphs 17 & 18 of the report and at exempt Annex B be noted.
- (ii) That the feedback from all School visits to be with the Scrutiny Officer by mid December.
- (iii) That an advert be placed in the York Press and all comments collated by mid December.
- (iv) That the final draft report be completed by mid February.
- (v) That two meeting dates be circulated around Members to conclude the work on this review.

Reason: To ensure compliance with scrutiny procedures, protocols and workplans.

Action Required

Send a press release to the York Press requesting ME parent's feedback on school meals

Cllr Fitzpatrick, Chair

[The meeting started at 5.30 pm and finished at 6.50 pm].

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**School Meals Scrutiny Review Task Group****27 January 2014****School Meals Scrutiny Review - Interim Report****Purpose of Report**

1. This interim report presents the final information gathered in support of this review and asks the Task Group to identify their review conclusions and draft recommendations.

**Review Background**

2. At a meeting in June 2013, this Committee considered an introductory briefing provided by the Head of School Services & Directorate Support on the take up of school meals in general, and the take up of free school meals (FSM). The Committee agreed the topic was suitable for scrutiny review and requested a scoping report for their July 2013 meeting.
3. In July 2013, the Committee received an introductory paper on the current provision of school meals and FSM in York, and considered a proposed timetable for carrying out the review. Based on the information provided, the Committee agreed the review remit detailed below, and set up a Task Group to carry out the review on their behalf.

**Review Remit**

4. Aim: To improve the take-up of school meals and free school meals
5. Objectives:
  - To explore reasons for the relatively small increase in take-up of school meals across all York schools.
  - To investigate why some parents/carers who are entitled, do not register and claim for free school meals and consider how the Local Authority working with partners can encourage them to do so.

- To investigate the reasons why significant numbers of entitled pupils whose parents/carers **have** registered and claimed, do not take up the offer of a free school meal.
- To look at the effectiveness of cashless payment systems for school meals and their impact on school meal take-up.

### **Review Terminology:**

6. Entitled to FSM – Pupils are entitled to receive a FSM if they live in households claiming qualifying benefits
7. Registered and claiming FSM – This relates to those who meet the entitlement criteria and register with the LA to claim FSM. This is what is reported by the School Census and described in publications as ‘known to be eligible for and claiming FSM’
8. Taking FSM – This relates to how many of the pupils registered to claim FSM actually take the meal on any given day.
9. Pupil Premium – Additional Government funding of £653 per pupil per year for every pupil registered for free school meals

### **Consultation & Timetable for Review**

10. In August 2013 the Task Group agreed a timetable for the review detailing the work they would carry out and the consultation they would undertake - see Annex A.
11. In September 2013, the Task Group met with representatives of the Youth Council to gather their views on school meals – see paragraphs 38-42 below. They also carried out a number of school visits in support of their work on this review and gathered the views of parents – see paragraphs 44-46 below.

### **Information Gathered**

12. School meal take up across all York schools (approx 34% of all pupils) has remained fairly static over the last few years with only a small percentage increase since ISS (Education) became the main school meal provider. There are variations to this picture in individual schools.

School Meals – Cost of Current Provision

13. Of the 64 schools in York, 44 are in the Local Authority's school meals contract with ISS (Education). The Local Authority manages the ISS contract on behalf of those schools and was obliged to delegate the 17p subsidy for each meal provided to schools from September 2013. Whilst the LA encourages schools to keep their selling price as low as possible, schools are now free to choose whether to subsidise the selling price or pass the cost on to parents. The recommended current primary school meal price is £2.25, and the average cost for a secondary school meal is £2.40.
14. York's Local Authority contract with ISS was intended to ensure that the amount each school charges is not based on the size of each school or number of meals taken there. Each primary or secondary meal costs the same price across the authority. However, whilst this provides fairness, it is recognised that this does mean that the larger schools are likely to be subsidising the high number of York's smaller primary schools and York's special school, as those schools would find it extremely difficult to be able to provide freshly prepared school meals if the city-wide contract was not in place. From November 2013, because of the subsidy delegation and more schools expressing an interest in taking on-line payments, schools will be banking the school meals income and will be recharged for all meals taken at their school. Previously, only some primaries paid for their pupils' unpaid debts, i.e. having tried everything to collect payment for all school meals, primaries eventually wrote off unpaid debts. This meant that the council paid them by default.
15. Compared to neighbouring Local Authority (LA) areas the price of a school meal in York is high. The type of contracts in place in other LA areas and what they include dictate their cost. Variations in provision can include:
  - Staff costs: for example, staff who transfer to a catering contractor under TUPE on local authority terms and conditions, as was the case in York, means that employer costs for pension contributions and sick pay will be substantially more than for those recruited by the contractor. These costs reduce through staff turnover over the duration of the contract.
  - Whether all meals are freshly prepared on site from mostly raw ingredients. In York, all meals are freshly prepared in school except for two small schools which have dining centres served with freshly

cooked meals daily taxed from nearby primary schools. No meals are periodically delivered frozen or chilled to be reheated as happens in some other authorities' small schools.

- What the contractor/provider is responsible for: contractor responsibilities also vary greatly seemingly with no two local authority models the same. For example, staffing, equipment repair, equipment replacement and annual gas appliance and PAT testing are all built into the York contract as contractor responsibilities. Whereas other contractors have none of these costly responsibilities and these lie with the local authority or schools.
- Level of subsidy from the local authority and/or schools, directly or by providing 'hidden' services. As the table below shows, York's 17p gap in selling price and contract prices is relatively modest compared to elsewhere:

Comparison of York's subsidies per meal with regional neighbours	Primary Paid	Primary FSM	Secondary
York	£0.17	£0.17	£0.17
Local Authority 1	£0.35	£0.60	£0.67
Local Authority 2	£0.70	£0.70	No subsidy
Local Authority 3	£1.81	£1.81	tbc

16. Without these subsidies, selling prices in LAs 2 and 3 would be much more than York's selling price and subsidy. LA1 would be between York's selling price and subsidised price.
17. There are 18 York schools currently not in the ISS contract. Three of those schools - Burnholme Community College, Ralph Butterfield Primary and Robert Wilkinson Primary, have brought their school meal service in-house by employing their own staff. Ralph Butterfield and Robert Wilkinson primary schools both charge £2.20 for a meal. Burnholme Community College's pricing structure follows the authority's notional allowance of £2.40 for a free secondary school meal.
18. The other 15 schools have their meals provided by either North Yorkshire County Caterers (previous provider of LA contract), or by one of two private catering contractors (Dolce or Chartwells) – see table below:

<b>Primary</b>	<b>Catering Provider</b>	<b>Selling price</b>
Haxby Road Primary	Dolce	£2.20
Hob Moor Oaks	Chartwells (PFI)	£2.15
Hob Moor Primary	Chartwells (PFI)	£2.15
Huntington Primary	Dolce	£2.20
New Earswick Primary	NYCC	£2.20
Ralph Butterfield Primary	In-house	£2.20
Robert Wilkinson Primary	In-house	£2.20
St Barnabas' CE Primary	Chartwells (PFI)	£2.15
St Oswald's CE Primary	Chartwells (PFI)	£2.15
Westfield Primary	NYCC	£2.25
Yearsley Grove Primary	NYCC	£2.25
<b>Secondary</b>	<b>Catering Provider</b>	<b>FSM allowance</b>
Archbishop Holgate's CE	NYCC	£2.35
Burnholme Community College	In-house	£2.30
Fulford	NYCC	£2.30
Huntington	NYCC	£2.35
Joseph Rowntree	Chartwells	£2.40
Manor	NYCC	£2.35
York High	NYCC	£2.30

19. Selling prices across the primary schools listed above are similar to what those schools in the LA contract charge (£2.25 with a 17p subsidy paid to the contractor):
- Chartwells: £2.15 primary schools only (to July 2013, the PFI contractor received a smaller subsidy of £0.08 from the LA to reflect less sub-contractor responsibility for equipment and facilities). Sewells advise they have recently re-tendered on the basis of no subsidy and therefore the selling and contract prices are the same at £2.15.
  - Dolce: £2.20
  - North Yorkshire County Caterers: £2.20 - £2.25 (set by each school)
20. Inevitably financial reasons are a contributing factor to why the larger secondary schools choose to contract others to provide their school meals i.e. they benefit financially from not being in the LA contract as any profit made goes directly back to the school to cover the costs of their school meals provision rather than supporting other smaller schools, as is the case with York's LA contract (as detailed in paragraph 14 above). If schools do not charge VAT to pupils for their meals then local authorities and schools are not allowed to spend any surplus on anything other than the costs associated with providing school meals.

21. In August 2013 the Task Group met with representatives from ISS (Education) the Local Authority's school meal provider. They provided detailed information on their contract and highlighted the challenges they had faced since taking up the contract three years before i.e.:
- Ensuring Health & Safety environment was appropriate in each school i.e. food preparation and presentation areas
  - Catering Staff Training
  - Improving relationship and partnership working with each school
22. Take-up of School Meals  
Take-up of school meals across York Schools varies with some schools not in the ISS contract having a significantly better take-up particularly in the larger secondary schools e.g. Fulford and Manor, compared to those schools in the LA contract. However there are also other schools not in the LA contract whose take-up is lower than the LA average. For those York Schools with a Breakfast Club, there was no evidence to suggest an impact on whether pupils chose to take a meal at lunchtime or not.
23. The Task Group considered detailed data on the take-up of school meals and take-up of FSM for all York's primary and secondary schools, going back to Autumn 2009, one year before ISS took over the contract in 2010. Information on the current take-up of school meals and FSM is shown at Annex B.
24. In August 2013 the Task Group met with ISS to discuss what they perceive to be the barriers to increasing take-up. They acknowledged the small percentage increase in take-up they had achieved since taking on the contract (resulting in the current 34% take-up), was not the 40% they had been aiming for, and confirmed that the amount of take up directly affects their selling price.
25. In their view, in some York schools there is a need for a cultural change and improved engagement with some Head Teachers to improve approach and ethos, and a more inclusive attitude from schools towards their catering team. They also acknowledged that the culture in York is more pack-up based at lunch time. Anecdotal evidence is that families tend to eat together in the evening and prefer children to take a packed lunch. Whereas they referred to another large LA with high take up which has several secondary schools that serve rural communities, and reported that a majority of their pupils who are from a farming background expect a hot meal at lunch time.

26. Acknowledging that the quality, type and variety of food being served, and the preference for a packed lunch affects the level of take-up, ISS highlighted some of the ways they had tried to encourage greater take-up and provided example menus and information on the varied promotions they run to try to increase take-up, including themed days, inviting parents and grandparents and taster sessions. ISS produces a calendar of promotions which they circulate around schools, and schools can choose which promotions to take part in.
27. Some of York's larger primary schools offer sandwiches, but take-up is variable. In addition, all primary schools now provide jacket potatoes as an alternative to the standard school meal. However there are some reservations about the provision of jacket potatoes in regard to nutritional standards compliance (see paragraph below and paragraph 47).
28. Nutritional Standards  
Many parents mistakenly imagine that a packed lunch is the healthiest option. ISS confirmed it is far easier to get the necessary nutrients into a cooked meal – even one of mediocre quality. A recent Government initiative led to the creation of a school food plan designed to support Head teachers to deliver healthy nutritional food that pupils want to eat – for detailed information see: <http://www.schoolfoodplan.com/contact/>
29. Free School Meals  
Pupils are entitled to receive free school meals if they live in households claiming qualifying benefits. At the start of the review, there were 2503 pupils in York schools whose parents/carers had registered and were claiming free school meals. 919 of these pupils attend secondary school whilst 1584 attend primary school.
30. Schools receive additional funding of £653 per pupil per year as a pupil premium from the Government, for every pupil registered for free school meals. Since the introduction of this pupil premium, some York schools have engaged with parents/carers to encourage more of those who are entitled, to claim.
31. A national Department for Education report (Data source: DWP December 2011) indicated that a further 400 pupils in York might be entitled to free school meals but their parents **had not** registered and claimed for the benefit. This not only means that those pupils are missing out on a free meal but York schools are not receiving the additional funding per pupil as detailed above.

32. The Local Authority's School Services Team confirmed they also had data that suggested a further 400 pupils per day whose parents/carers **had** registered and claimed for free school meals were not taking up the offer of their free meal.
33. FSM Application Process  
The School Services Team is responsible for the administration of the free school meals process. Over the last three years significant changes have taken place to reduce the administrative bureaucracy associated with this process in an attempt to encourage all those eligible to apply, by reviewing the application process both in terms of the initial application and renewing a pupil's free school meal claim. The criteria for being eligible are based on eligibility for certain income-related benefits but not in receipt of any Working Tax Credit. This has not been affected by the introduction of Universal Credit.
34. Encouraging more applications from those families that are eligible has been the main focus of the team. Working in conjunction with schools has also been a priority particularly when for schools additional funding is available to the school, through the pupil premium funding for those pupils on free school meals. Improvements have included:
- One application per family
  - One educational benefit form (free school meals, uniform grants and transport)
  - Automatic renewals – Applying only once
  - Application linked to school admission request
35. Although in-terms of reducing bureaucracy (2500 less application forms) the changes have been successful, there is still a gap between those parents/carers who are eligible and those parents/carers who apply. Since the latest data was received indicating that approximately 400 pupils in York whose parents were in receipt of benefits entitling their children to a free school meal had not applied, more work has been done to try and close this gap. In addition, contact has been made with those LA's where take-up is significantly higher than in York, and the clear messages coming back were:
- Closer liaison between education and benefits teams including the local Job Centre plus staff.
  - Increasing options for application process including on-line applications
  - Real time review of eligibility rather than annual review



36. CYC Colleagues across the schools services, benefits and the improvement teams met to consider possibilities of increasing the number of those eligible parents/carers applying. A number of options were considered and the following progress made:

- Being able to have identified all those families and their children who are eligible;
- All those families contacted before the start of term;
- An on-line application process has been identified which would allow parents/carers to apply and receive an instant decision as to whether they are eligible or not for free school meals;
- Changes have been made to the IT benefits system which will allow them to inform parents/carers immediately when they are in receipt of the appropriate qualifying benefit that their child(ren) will be eligible for free school meals. Benefits staff can then encourage or assist them in completing the application process.

37. Cashless Payment Systems

A number of schools within York, particularly in secondary schools have introduced cashless payment systems. Cashless systems allow parents to pay for school meals as well as other school costs (uniform, photograph, trips) on-line without pupils having to bring cash into schools. Other benefits for schools include a reduction in administration and less cash handling. These systems allow all pupils to be dealt with in the same way which helps to reduce the perceived stigma of receiving free school meals. However, the cost of installing and running these systems is expensive (£20-£25k to buy and approximately £3k a year to maintain), which deters some schools from purchasing them.

38. Meeting with Youth Council Representatives

In September 2013 two members of the Youth Council (both pupils at Fulford School) met with the Task Group to give their views on school meals. They confirmed that one of them regularly took up the hot food option while the other bought sandwiches. They both agreed that prices at Fulford were very reasonable - £1.80 for a hot meal and a hot pudding, but gave evidence that friends at other schools were paying £2.20 for "just a small plate of food".

39. They confirmed that Fulford School had in place a cashless payment system to which every pupil was registered. In regard to the 'stigma' attached to free schools meals they clarified that unless people physically looked at the screen there was no way of knowing how meals were financed. Other benefits to their cashless system included parents

being able to log on to the system to check what their children had bought.

40. The Head of School Services confirmed that at some York primary schools had a cashless system which enabled parents and pupils to pick their meals at home and pre-book them online.
41. In regard to the health and nutrition of schools meals, the Youth Council representatives view was that while healthy and nutritious meals were available, there was no incentive to choose the healthier options because they were always more expensive. Both raised the issue of freshness, explaining that meals such as tray-bakes, pizza and pasta were made days in advance and while they were fine at the beginning of the week, towards the end of the week they were less fresh and less appealing. Queuing for meals at lunchtime was also considered a major issue; particularly for people on later sittings, and the reason why more pupils did not have school meals was simply because they did not like the food.
42. Finally, the pupils provided the Task Group with a copy of the York Youth Council Best Practice Guide regarding school meals recently published – see Annex C.
43. Food for Life Partnership & Flagship Award Scheme  
At their August meeting, the Task Group received information on a national Food for Life Partnership and its Flagship Award Scheme – see Annex D.
44. School Visits & Parents Views  
As part of the review the Task Group agreed they would like to carry out a number of visits to schools. The 8 schools listed below were visited by the Task Group members in late 2013:
  - i. Carr Junior School: Cllr Potter and Andrew Pennington
  - ii. Westfield School: Cllr Fitzpatrick and Cllr Brooks
  - iii. Joseph Rowntree: Cllr Potter and Andrew Pennington
  - iv. York High: Cllr Fitzpatrick and Cllr Brooks
  - v. Woodthorpe Primary: Cllr Fitzpatrick and Cllr Brooks
  - vi. Burton Green: Cllr Potter and Andrew Pennington
  - vii. Elvington: Cllr Brooks and Andrew Pennington
  - viii. Robert Wilkinson: Cllr Fitzpatrick and Cllr Brooks

45. The Task Group members attended during the lunchtime period and carried out a brief survey to aid them in their discussions with pupils, school staff and catering staff. The detailed findings from those visits are shown at Annex E.
46. Finally, the Task Group agreed they would like to gather the views of parents so the Head of School Services was tasked with producing a press release requesting parent's feedback on school meals. Following advice from the Communications Team a decision was taken to delay the press release until early 2014, as the School Services Team were concerned there would be little or no responses either pre or during the Christmas period. The plan now is to put a piece in 'Your Voice' the first week in February 2014 along with a piece in the York Press, alongside a story on school meals. Any resulting feedback will need to be presented to this Task Group when it meets for a final time in early March 2014.
47. Free School Meals for Infants  
In light of a recent Government announcement regarding their plans to provide free school meals for infant school children (school years 1-3), the Task Group recognised this would lead to a substantial increase in the numbers receiving a school meal, and requested additional information to understand the knock on effects of this on schools and on the council's current contract with ISS.

The Head of School Services met with ISS to discuss this and provided feedback at a meeting of the Task Group in late November 2013. A representative from ISS also attended the meeting to explain their solutions to the challenges to come and what offer they had made to the authority. The likely cost implications were highlighted and the Task Group received information on how the Authority was working with schools to help address the knock on effects.

### **Analysis**

48. Cost & Take-up  
The Task Group noted that the cost in York was the highest in ISS's portfolio, but recognised that their cost prices for each LA were based on what was included in each contract.
49. The also noted that the selling price in York's primary schools was the highest in the Yorkshire and Humber region and in comparison to its statistical neighbours. Also, that York's secondary schools selling price was the highest in comparison to a majority of other LA areas – see

comparison data at Annex F, which also includes details of the number of pupils in each LA area, the percentages known to be eligible for and claiming free school meals, and those actually taking up free school meals. The Task Group again acknowledged that all those selling prices were based on what was included in each LAs contract i.e. labour costs, food costs, overheads and margin costs. It was also influenced by the quality of food provided and in the case of York, the relatively high number of small primary schools within the LA contract.

50. Taking into account all of the information provided in regard to cost and take-up, the Task Group agreed that the cost of a school meal in York was a prohibitive factor in increasing take-up. They noted the cost in other Local Authority areas where take-up was good (£1.80-£2) and asked what level of take-up would be required in York in order to bring down the price in York schools to £2 (without needing to raise the Local Authority subsidy). The Head of School Services confirmed that ISS had estimated an increase in take-up to approximately 55% (currently 38%) would be required to reduce the selling price to £2.

51. Nutritional Standards

The Task Group queried whether schools had considered providing a pack-up for those pupils entitled to a free school meal, but were informed it was difficult to provide a packed lunch that complies with the current nutritional standards in place. Only 1% of packed lunches meet the nutritional standards (both legislatively and contractually) that currently apply to school food – see copy of The Education (Nutritional Standards & Requirements for School Food) Regulation 2007 at Annex G.

Free School Meals & Application Process

52. The Task Group were pleased to note the work recently undertaken by the Schools Services and Benefits teams to bring the application process for FSM in York in line with other LA areas exhibiting best practice and high take-up levels. They also acknowledged there was likely to be a number of reasons for none take-up of FSM in York, including the stigma of being on free school meals, quality, type and variety of food being served, the preference in York for a packed lunch, as well as pupils being absent from school and choosing not to take a meal.

53. Having considered the data collected by the Schools Services Team (see paragraph 23 above), they agreed that further research was required and queried whether it would be possible to identify all of the parents/carers of those pupils entitled to free school meals who had not registered and claimed.

54. As a result, the School Services Team has completed a piece of work in conjunction with the Benefits Team, to identify those parents/carers. All were written to, encouraging them to apply and the Task Group are now awaiting an update to advise how successful this has been in terms of increasing the number of eligible pupils claiming free school meals.
55. Food for Life Partnership & Flagship Award Scheme  
The Task Group queried whether any schools in York had participated in the scheme, and was pleased to note that all schools within the LA contract had achieved the bronze award. They learnt that a small number of schools had been approached to consider the silver award but as yet no school has taken up the offer. The Task Group noted that the criteria for schools to achieve silver status had a financial implication e.g. the purchase of plates to replace plastic trays, and agreed to gather the views of schools on achieving the silver award within their questions for their forthcoming school visits.
56. Free School Meals for Infants  
The Task Group recognised the affect the forthcoming change was likely to have on schools (especially on the current kitchen facilities, space, pupils, staff and the running of the school day), and on the current local authority contract for school meals (and any future contracts) which would effect all children including those in Years 4+.

### **Concluding the Review**

57. At this meeting, having considered the new information provided in this report i.e. the findings from the school visits and the feedback from parents, and assuming no further information is required in support of this review, the Task Group will need to identify their review conclusions and some draft recommendations.
58. One further meeting of the Task Group will then be required to consider the review draft final report before its presentation to the Learning & Culture Overview & Scrutiny Committee in March 2014. The suggested date for this final meeting is 3 March 2014.

### **Implications**

59. **Financial** – The report does refer to the following areas which may have implications on resources:

- the current cost of subsidising the price of school meals
- the potential increase in funding to schools by increasing the number of parents/carers applying for free school meals
- The cost of installing and running costs for cashless school meals systems
- **Human Resources (HR)** – There are no HR implications
- **Equalities** - There are no equalities implications
- **Legal** – There are no legal implications

### **Council Plan 2011-15**

60. Protect vulnerable people – by increasing free school meal take up will enable more low income families children to access a daily healthy meal.

### **Risk Management**

61. The risks in not conducting this review are:
- Schools could lose out on additional funding which is provided to them for every child on their roll who qualifies for free school meals;
  - Pupils entitled to free school meals miss out on eating a free meal every school day.

### **Recommendations**

62. Having considered all the information provided within this report the Committee are recommended to:
- i. Note the work on the review to date
  - ii. Agree whether any further information is still required to conclude the work on this review
  - iii. Agree any changes required to this interim report in order that it may form the draft final report for this review
  - iv. Identify some review conclusions and a number of draft recommendations for inclusion in the draft final report

Reason: To conclude the work on this review in line with scrutiny procedures and protocols.

## Contact Details

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### Chief Officer Responsible for the report:

**Andy Docherty**  
Assistant Director, Governance & ICT

**Report  
Approved**

Yes
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**Date** 23 October 2013

For further information please contact the author of the report

**Background Papers:** None

## Annexes

**Annex A** – Review Timetable

**Annex B** – Data on current take-up of school meals and FSM

**Annex C** – York Youth Council Best Practice Guide to School Meals

**Annex D** – Food for Life Partnership & Flagship Award Scheme

**Annex E** – Feedback from School Visits

**Annex F** – Comparison data for other LA areas

**Annex G** – The Education (Nutritional Standards & Requirements for School Food) Regulation 2007

## Abbreviations

FSM	Free School Meals
LA	Local Authority
TUPE	Transfer of Undertakings (Protection of Employment)
PFI	Private Finance Initiative
NYCC	North Yorkshire County Council
DfE	Department for Education
DWP	Department for Work and Pensions
CYC	City of York Council
NOR	Numbers on Roll
PSHE	Personal, Social and Health Education

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## School Meals Scrutiny Review Timetable

Visits / Meetings	Area of Inquiry	Suggest Method
<p style="text-align: center;">Meeting 1- Information Gathering</p> <p style="text-align: center;">21 August 2013 @ 5:30pm</p>	<p>1. To consider how the Local Authority working with partners can encourage those parents/carers who are entitled to register and claim for free school meals for their children.</p>	<ul style="list-style-type: none"> <li>• To meet with representatives of ISS (Education) catering contractors to consider options/solutions to non-take up of school meals from pupils who are entitled and whose parents/carers have registered. To explore reasons for relatively small increase in take-up of school meals across all York schools</li> <li>• To consider the current free school meal application process and consider possible improvements by comparing the current process to those LA's where 100% of eligible parents/carers apply.</li> </ul>
<p style="text-align: center;">Meeting 2 - Information Gathering</p> <p style="text-align: center;">25 September 2013 @ 5:30pm</p>	<p>2. To investigate the reasons why significant numbers of entitled pupils whose parents/carers have registered and claimed do not take up the offer of a free school meal.</p>	<ul style="list-style-type: none"> <li>• To consider prohibitive factors affecting take up of school meals and FSM</li> <li>• To meet youth council representatives to discuss reasons for low free school meal take-up from their perspective.</li> </ul>
<p style="text-align: center;">School Visits Consultation</p>	<p>3. To look at the effectiveness of cashless school meals and there impact on school meal take-up</p>	<ul style="list-style-type: none"> <li>• To meet with pupils, school staff and catering staff, including one which has a cashless payment system to:</li> </ul>

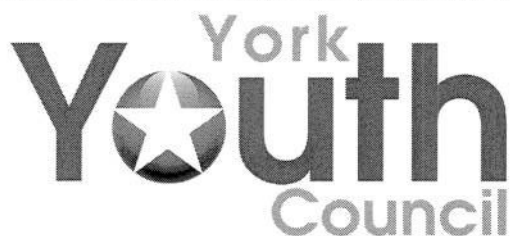
	4. To investigate why entitled parents & carers do not register and claim for FSM, and why take up of school meals is limited.	<p>a) Look at impact of cashless system and any resulting improvements.</p> <p>b) Explore reasons for low take up of school meals and FSM and explore options/solutions</p>
<p>Meeting 3 - Information Gathering Date to be agreed</p>	To consolidate information gathered to date and identify some initial conclusions	<ul style="list-style-type: none"> <li>• To meet with parent/carers representative groups (Citizens Advice?) to look at barriers and reasons for not registering and claiming.</li> <li>• To consider all the information gathered to date, identify what if any additional information is required, and if possible identify some initial conclusions</li> </ul>
<p>Meeting 4 Date to be agreed</p>	To identify suitable recommendations	<ul style="list-style-type: none"> <li>• To consider a draft final report containing findings from all the information gathered and draft recommendations</li> </ul>

City of York Schools Catering: Take-up and meals per day (MPD) by school for academic year September 2012 - July 2013 using January census data for full-time pupil numbers on roll (NOR) and Free School Meal (FSM) eligibility.										
Primary, Nursery & Special <sup>1</sup>										
School	Contractor	No of Full-time Pupils on Roll <sup>2</sup>	Activity 2012-13			January 2013 census data				
			Pupil FSM per day	Total Pupil Meals per day (MPD)	% Total Pupil take up	No of pupils eligible for FSM (census)	No FSM Eligible Rank	% FSM eligible	% FSM Eligible Rank	% FSM take up (census)
Acomb Primary	ISS	221	11	95	43%	16	31	7%	31	81%
Applefields	ISS	142	21	71	50%	34	16	24%	9	53%
Archbishop of York's CE Junior	ISS	230	4	107	46%	8	42	3%	43	75%
Badger Hill Primary	ISS	142	9	45	32%	10	37	7%	32	90%
Bishopthorpe Infant	ISS	180	5	76	42%	8	42	4%	39	50%
Burton Green Primary	ISS	154	39	64	42%	54	8	35%	6	63%
Carr Infant	ISS	229	33	74	32%	49	10	21%	14	65%
Carr Junior	ISS	216	17	55	25%	30	18	14%	22	53%
Clifton Green	ISS	351	89	138	39%	129	1	37%	4	78%
Clifton with Rawcliffe Primary	ISS	532	18	151	28%	23	24	4%	40	70%
Copmanthorpe Primary	ISS	355	10	143	40%	11	36	3%	45	82%
Derwent Infant	ISS	46	18	24	52%	20	27	43%	2	95%
Derwent Junior	ISS	55	17	23	42%	19	28	35%	7	89%
Dringhouses Primary	ISS	298	17	91	31%	29	22	10%	27	69%
Dunnington Primary	ISS	247	5	78	32%	9	38	4%	42	56%
Elvington Primary	ISS	135	2	69	51%	3	50	2%	51	100%
Fishergate Primary	ISS	226	25	96	43%	30	18	13%	23	90%
Haxby Road Primary	Dolce	177	59	99	56%	79	4	45%	1	61%
Headlands Primary	ISS	281	3	47	17%	3	50	1%	54	67%
Hempland Primary	ISS	411	3	102	25%	5	47	1%	53	40%
Heworth CE Primary	ISS	142	10	53	37%	13	34	9%	29	92%
Hob Moor Oaks	Chartwells	60	10	23	39%	13	34	22%	13	100%
Hob Moor Primary	Chartwells	266	71	105	39%	95	3	36%	5	79%
Knavesmire Primary	ISS	281	14	65	23%	17	30	6%	33	82%
Lakeside Primary	ISS	330	32	79	24%	43	14	13%	24	79%
Lord Deramore's Primary	ISS	209	8	93	45%	9	38	4%	41	89%
Naburn CE Primary	ISS	87	4	37	43%	4	48	5%	38	50%
New Earswick Primary	NYC Caterers	184	30	63	34%	45	12	24%	8	69%
Osbalwick Primary	ISS	203	19	61	30%	30	18	15%	21	73%
Our Lady Queen of Martyrs Primary	ISS	400	31	127	32%	46	11	12%	25	74%
Park Grove Primary	ISS	268	20	96	36%	26	23	10%	28	69%
Poppleton Ousebank Primary	ISS	422	6	146	35%	9	38	2%	52	100%
Poppleton Road Primary	ISS	389	42	101	26%	58	7	15%	20	76%
Ralph Butterfield Primary	In-house	306	7	111	36%	9	38	3%	46	78%
Robert Wilkinson Primary	In-house	569	12	185	33%	16	31	3%	49	100%
Rufforth Primary	ISS	71	4	26	37%	4	48	6%	34	100%
Scarcroft Primary	ISS	325	31	110	34%	36	15	11%	26	97%
Skelton Primary	ISS	102	15	47	46%	18	29	18%	16	94%
St Aelred's RC Primary	ISS	187	24	52	28%	32	17	17%	17	59%
St George's RC Primary	ISS	183	20	74	40%	30	18	16%	18	73%
St Lawrence's CE Primary	ISS	190	33	69	36%	45	12	24%	10	76%
St Mary's CE Primary	ISS	106	2	58	55%	3	50	3%	48	67%
St Paul's CE Primary	ISS	167	2	57	34%	8	42	5%	37	25%
St Paul's Nursery	ISS	56	1	30	53%	3	50	5%	36	67%
St Wilfrid's RC Primary	ISS	262	17	114	44%	21	26	8%	30	81%
St. Barnabas CE Primary	Chartwells	142	21	46	32%	23	24	16%	19	83%
St. Oswald's CE Primary	Chartwells	296	10	85	29%	16	31	5%	35	69%
Stockton on the Forest Primary	ISS	70	2	16	23%	2	54	3%	47	50%
Tang Hall Primary	ISS	131	35	54	41%	53	9	40%	3	100%
Westfield Community Primary	NYC Caterers	482	85	184	38%	108	2	22%	12	77%
Wheldrake CE Primary	ISS	216	3	81	37%	7	45	3%	44	29%
Wigginton Primary	ISS	277	6	44	16%	7	45	3%	50	86%
Woodthorpe Primary	ISS	354	54	93	26%	72	5	20%	15	75%
Yearsley Grove Primary	NYC Caterers	299	46	87	29%	68	6	23%	11	71%
Averages/Total		12660	1130	4322	34%	1558	54	12%	54	75%
<b>Key</b>		Highest	Lowest							
<b>Notes</b>										
<sup>1</sup> Does not include Huntington Primary (Dolce), who declined to take part. Danesgate not included as comparable data not available, except for Kestrels included in Tang Hall.										
<sup>2</sup> Primary numbers on roll = No of Full-time Pupils, does not include part-time pupils unlike the census.										
Relevant to take up as nursery/reception pupils need to be in school for sessions in the morning and afternoon to be eligible for a free school meal.										
St Paul's nursery pupils: actual NOR halved to give full-time equivalent.										

**City of York Schools Catering: Take-up by school by academic year September 2012 - July 2013  
using January census data for full-time pupil numbers on roll (NOR) and Free School Meal (FSM) eligibility.**

Secondary <sup>3</sup>										
			Activity 2012-13			January 2013 census data				
School	Contractor	No of Full-time Pupils on Roll <sup>2</sup>	Pupil FSM per day	Total Pupil Meals per day (MPD)	% Total Pupil take up	No of pupils eligible for FSM (census)	No FSM Eligible Rank	% FSM eligible	% FSM Eligible Rank	% FSM take up (census)
All Saints RC	ISS	1192	34	263	22%	55	6	5%	7	100%
Archbishop Holgate's CE	NYC Caterers	1037	61	328	32%	79	5	8%	4	77%
Canon Lee	ISS	700	64	184	26%	87	3	12%	2	67%
Fulford	NYC Caterers	1327	36	635	48%	36	8	3%	8	100%
Huntington	NYC Caterers	1432	71	392	27%	104	2	7%	5	68%
Manor CE	NYC Caterers	940	49	368	39%	51	7	5%	6	96%
Millthorpe	ISS	944	55	200	21%	83	4	9%	3	64%
York High School	NYC Caterers	787	133	307	39%	185	1	24%	1	72%
<b>Averages/Totals</b>		<b>8359</b>	<b>503</b>	<b>2677</b>	<b>32%</b>	<b>680</b>	<b>8</b>	<b>8%</b>	<b>8</b>	<b>76%</b>
<b>Key</b>	<b>Highest</b>	<b>Lowest</b>								

<sup>3</sup> Data not supplied by Joseph Rowntree School and Burnholme Community College. Danesgate not included as comparable data not available.



# York Youth Council Good Practice Guide

## Maximising Free School Meal Numbers

### Why?

York Youth Council thinks that Free School Meals are important because:

- ★ School food has to meet high nutritional standards which guarantee pupils a healthy, balanced menu.
- ★ Research proves that when students eat at lunchtime, in a decent environment, they do better in the afternoon. (School Food Trust 2011)
- ★ Recent years have seen an increase in the number of pupils entitled to Free School Meals in York.
- ★ The Pupil Premium is tied to Free School Meal registration, enabling schools to better support those children that most need it.

**Free School Meals matter and we think we should work together to ensure that:**

- ★ **all pupils entitled to Free School Meals are registered for them**
- ★ **all registered pupils claim and eat their free meal**

### Improving take up across the board

Approaches which seek to increase the overall take up of school dinners have proved effective in increasing the uptake of Free School Meals as well. This included promotion through assemblies, PSHE lessons, strong links to healthy school programmes, promotion to parents and addressing issues around the quality of food and the dining experience.

### Free School Meals – the figures

- ★ **1.2 million**- the number of pupils in England registered as eligible for Free School Meals. <sup>(1)</sup>
- ★ **500,000** - the number of pupils in England that are put off claiming, because of systems that single out those receiving free meals, and the poor quality of some of the food. <sup>(2)</sup>
- ★ **827** - the number of pupils in York secondary schools registered as eligible for Free School Meals. <sup>(3)</sup>
- ★ **162** – the number of pupils in York secondary schools registered for a Free School Meal that don't eat them. <sup>(3)</sup>
- ★ **Between 1050 and 2700** - the estimated number of pupils in York who may be eligible for Free School Meals but are not registered. <sup>(4)</sup>
- ★ **£430** - the amount of Pupil Premium funding that each school receives per registered child.
- ★ **14%**- of pupils in York are obese at the end of Year 6. <sup>(5)</sup>

(1) DfE: Schools pupils and their characteristics, Jan 2011.

(2) Children's Society, Fair and Square, April 2012.

(3) January free school meal Census 2012.

(4) Estimates based on national % of non-take up and a comparison of families in receipt of full housing benefit and council tax benefit against FSM applicants Feb 2012.

(5) School Food Trust Sept 2011.



**Things to try...****Parent involvement**

Communicating with parents about their entitlement to Free School Meals, how to claim, and what the benefits are. Giving parents the chance to try school meals at events like parent's evenings, and providing school menus and examples of what a Free School Meal could include.

**Listening to pupils, staff and parents**

Listen to feedback about lunchtime and tailor your service to address any issues. This will enable you to make school meals more appealing to both paid and Free School Meal pupils. We have developed an online questionnaire to help you do this- this can be found at [www.yorkyouthcouncil.co.uk](http://www.yorkyouthcouncil.co.uk) Get in touch if you want a link for your own website.

Supporting pupils who usually have pack-ups to mystery shop the dining experience can encourage them to try a meal- and provide you with feedback.

**Food and eating experience**

The quality, choice and quantity of food is important in promoting uptake of school meals. Research in Leeds suggested that parents concerns about portions not being big enough, restricted choices (limited to meal deals, or not including a drink) contribute to them not taking school meals. Addressing issues around the choice of foods, length of queues, dining environment and provision for pupils on special diets can help.

**Incentive schemes**

Providing rewards (e.g. entry into a raffle) when healthy choices are made have proved effective.

**Ambassadors**

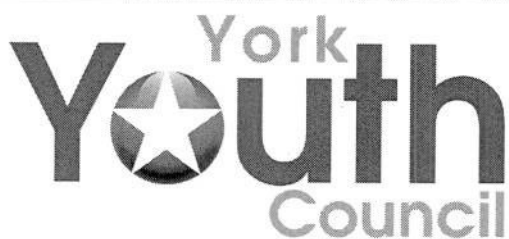
Consider adopting the School meal Ambassadors scheme which supports students to work with school catering teams to monitor, challenge and improve school food.

**Grab and go**

Providing a grab and go option, which can be pre-ordered and collected at break or lunch time lets pupils take part in lunch time activities, enables them to eat with their friends and eat outside, has been found to improve take up.

**Summary**

- ★ Improve the quality of school meals and the dining experience
- ★ Listen to pupils, parents and staff
- ★ Involve and communicate with parents
- ★ Introduce grab and go
- ★ Consider incentive schemes
- ★ Introduce School Food Ambassadors



# York Youth Council Good Practice Guide

## Removing the stigma from FSM

### The problem

Nationally about 500,000 children and young people do not claim Free School Meals when they could (Children's Society). In York we estimate that somewhere between 1050 and 2700 children and young people fail to claim their entitlement. This represents between £451,500 and £1,161,000 of pupil premium money that isn't accessed. In secondary schools, in York in 2010-11 only 6.6% of the 8.3% of pupils who are entitled ate their Free School Meals. Meaning many went without the benefits associated with a nutritious school lunch.

### Stigma

One of the reasons given for not claiming is stigma. Systems that use vouchers or having your name ticked at the till mean that it is **obvious** who receives Free School Meals. Some pupils find this **embarrassing**. Parents may feel **anxious** about their children being identified and others knowing they are receiving benefits. This can lead to **bullying** and name calling. It can also take longer than paying with cash, especially if they are topping up with cash.

### The challenge

Completely removing peer to peer discrimination around free school meals in schools is a huge challenge. But there are things you can do to minimise the negative effect it can have on the pupil's willingness to eat a Free School Meal.

### Non- stigmatised access

It is important that pupils who receive Free School Meals aren't identified. Explore ways to provide all pupils with exactly the same tokens or dinner tickets, so that no-one can tell who has or hasn't paid for them.

Make sure that queuing and seating systems don't separate out those who have Free School Meals and those who don't.

Ensure dinner staff are discrete in dealing with Free School Meal issues.

**FACTS: 9% of pupils did not feel comfortable getting free school meals, 17% felt embarrassed, 10% were worried about teasing.** (Education Leeds research)

#### Work with parents

Make sure you communicate with parents, letting them know what you are doing about ensuring access to Free School Meals is discrete.

#### Whole school approaches

Ensure that anti-bullying policy covers bullying related to Free School Meals.

Promoting the uptake of school meals to the whole school (and reminding people that it might be free) can increase uptake.

#### Cashless systems

York Youth Council recognises that cashless systems can be very expensive for schools. However they can be highly effective in tackling the problems of stigma associated with Free School Meals. They can reduce time queuing and ensure anonymity. They can also support the school in monitoring what pupils are eating.

#### More information...

The School Food Trust have produced an independent report that looks at cashless systems. You can find this at:

[www.schoolfoodtrust.org.uk/partners/resources/an-independent-review-of-cashless-systems](http://www.schoolfoodtrust.org.uk/partners/resources/an-independent-review-of-cashless-systems)

Education Leeds have done research and produced a tool kit about improving free school meal take up.

[www.educationleeds.co.uk/schoolmeals](http://www.educationleeds.co.uk/schoolmeals)

#### Summary

★ Embarrassment of being recognised as getting Free School Meals deters parents and pupils from claiming their entitlement.

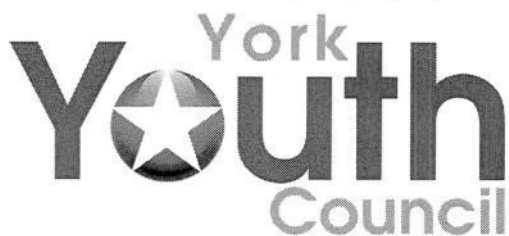
★ Reducing the stigma associated with this can lead to an increase in Free School Meal registration and take up.

★ Any system for giving out Free School Meals should ensure that pupils can not be identified.

★ Make sure you tell parents what you are doing to make sure that pupils can't be identified.

★ It is important that pupils choose to take a Free School Meal because they: enjoy the food, enjoy the dining experience and feel comfortable- not just because they are FREE.





## York's Free School Meal Charter

### Reducing Poverty in York

York's Poverty Strategy states that poverty is everyone's business. We want to keep people out of poverty and help those in poverty to have a better life. Nationally it is estimated that 4.3% of children who could have a free school meal are not currently registered. Assuming that York follows the national trend, an estimated 1050 children in York may be entitled but not registered, local research supports this assumption.

### What has been done...

- ★ The local Authority has improved the information about claiming free school meals.
- ★ The Local Authority is working with the Job Centre to see if people claiming benefits that entitle them to free school meals can be automatically entitled, rather than having to claim separately.

### To improve Free School Meals our school will:

- ★ Ensure that any information sent home to parents about school meals or school uniform includes information on how to apply for financial support.
- ★ Ensure school staff can support parents in applying for free school meals.
- ★ Ensure young people getting free school meal can't be identified by those who are not directly involved in administering the system. This includes other pupils, school dining room staff, teachers, volunteers working in school.
- ★ Run the School Food Ambassadors scheme to support pupil's involvement with school food.
- ★ Seek and act on regular feedback from pupils, parents, and staff about school food. York Youth Council have developed an online questionnaire to help you do this. Look on [www.yorkyouthcouncil.co.uk](http://www.yorkyouthcouncil.co.uk) for more information.
- ★ Ensure there are a range of options available to pupils who are entitled to free school meals, including grab and go options.

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## School Meals Scrutiny Review

### Food for Life Partnership & Flagship Award Scheme

1. The Partnership is a network of schools and communities across England committed to transforming food culture. It brings together the expertise of four food focussed charities, helping schools across England to change their food culture and revolutionise their school meals.
2. The Partnership uses food as a way to improve the whole school experience – making lunchtimes a positive feature of the day and enriching classroom learning with farm visits and practical cooking and growing.
3. Over 4,500 Schools across England are enrolled on the programme. They are growing their own food; organising trips to farms; sourcing food from local bakers, butchers and farmers; setting up school farmers' markets; holding community food events; providing cooking and growing clubs for pupils and their families; and serving freshly prepared, locally sourced meals that follow a rigorous Food for Life Catering Mark.
4. 'Food for Life Partnership' schools are also embedding food education into their curriculum, and a focus on 'pupil voice' means pupils take ownership and decide their own priorities. The Partnership is about bringing people together – teachers, pupils, families, cooks, caterers, farmers and the wider community – to enjoy good, wholesome food and change food culture in England significantly.
5. Three major independent research programmes have shown the impact the partnership is having. They reveal that due to the Food for Life Partnership children are eating more fruit and vegetables; that the programme helps 'close the gap' in health and academic attainment between disadvantaged children and their peers; schools show a significant increase in free school meal uptake which is crucial in encouraging healthy eating habits; and twice as many primary schools received an Outstanding Ofsted rating after working with the programme.
6. The Food for Life Partnership runs an Award Scheme designed to implement positive changes in schools, that are achievable and sustainable in partnership with their caterers. The Food for Life Partnership Mark awards achievement at three levels – Bronze, Silver and Gold. For each award, there is a set of criteria centred around four areas of development:
  - Food leadership
  - Food education
  - Food quality and provenance
  - Food culture & community involvement

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## School Meals Scrutiny Review – Feedback from School Visits

### Visit to Westfield Primary School on 29<sup>th</sup> November 2013

- A. Does the school monitor the take up of school meals?  
Yes
- B. Does the school monitor the take up of school meals of those pupils entitled to free school meals?  
*Definitely. Very detailed figures kept. People premium made them try to increase numbers.*
- C. Does the school wish to see an increase in the number of pupils taking a daily school meal? If not why?  
*Yes, very much so, but wants the funding to go with it.*
- D. Does the school know or have any evidence to support the reasons for low take-up?  
*Parental choice and/or pupil choice.  
Too expensive, especially for more than one child.*
- E. Could the school accommodate an increase in the number of pupils taking a school meal? What would be the barriers?  
*Yes but couldn't say about kitchen equipment.*
- F. How involved are the school in the promotion of school meals?  
*Very.  
Push it at parents evenings  
Menu is on the school website and sent home with children  
Have special Mothers Day, Fathers Day and other special meals that parents/cares can attend. Good uptake and feedback.  
There is a garden and the cook uses the food grown.  
Governors asked parents eligible for FSM to apply even if child would not eat meal.*
- G. Does the school gather feedback from either parents/carers and/or pupils on the school meals provided in the school?  
*Yes- very positive.*

*When 'Sunday roast' is on the menu it is very popular and numbers increase. (this meal is subsidised from money made by break time trolley which sells cheesy bread, cookies, hot chocolate)*

- H. How satisfied is the school with its current school meals provider? What are they good at? What could be improved?  
*Very but this is because of the individual cook rather than the provider.*
- I. Is the school meal achieving value for money in terms of cost and quality?  
*Yes*
- J. How would you rate the quality of the dining facilities currently available in the school?  
*Absolutely freezing - Children wear coats.  
School has freshened up the decor.*
- K. Do you, or have you considered offering a cashless payment system for parents?  
*Has considered it and had lots of presentations but did not think it would be financially viable. School would be charged about 20p every time a payment is made and most parents would only be able to do it daily.*
- L. What is the payment frequency for dinners? Option to pay daily, weekly in advance, half termly in advance, etc?  
*Daily or weekly – most daily.  
Credit note issued if no money paid or pack up sent.*
- M. Does the school run Clubs over lunchtime? Is there time to eat hot dinner and attend club?  
*All clubs after school.*
- N. Do pack ups and dinners eat together in the dining room?  
*Yes*
- O. Is the dining room a pleasant place to eat in? Are queues tolerable? Is there pressure to eat quickly and go?  
*Too cold. Queues OK. No pressure to eat up quickly, in fact KS1 not allowed to turn trays round to eat pudding without permission.*

- P. Does the school management have any input into the menu options? Do pupils have any input into menu options? Do the pupils get the meal they wanted ( in choice schools?).  
*No input into menus.*
- Q. Can parents opt into dinners at any time or do they have to commit to a term etc?  
*Do it on a daily basis.*
- R. How are those entitled to free meals identified in the classroom/ dining room?  
They are identifiable in the cafeteria (pasta, baked potato etc) but not the canteen (2 course meal no choice)..
- S. Does the food look appealing? Is there much waste going in the bin?  
*Looks appealing. Did not know about waste. Children mainly ate everything and all those questioned liked school meals. Many only seemed to have a meal once a week even though child preferred it so probably down to cost.*
- T. Equalities.  
*Separate(warm) room for vulnerable children.  
Food cut up by server for child with CP  
TA in hall for autistic child but did not sit next to him to keep him as independent as possible.*

### **Visit to York High School on Friday 15<sup>th</sup> November 2013**

Met with the headteacher who gave a general over view of school meals at the school. The lunch break is short, only 35 minutes. There is a canteen for two course dinner and a cafe for snacks, pizzas etc. The cafe is open at break time and students can, and some do, spend their dinner money there.

We then met a group of students from different year groups who make up a committee to look at school meals. The catering manager is part of this group.

We then had lunch in the canteen with the head and member of staff responsible for overseeing the catering.

There are no vending machines in the school and students are not allowed out.

A. Does the school monitor the take up of school meals

Yes

B. Does the school monitor the take up of school meals of those pupils entitled to free school meals?

C. Does the school wish to see an increase in the number of pupils taking a daily school meal? If not why?

Yes

D. Does the school know or have any evidence to support the reasons for low take-up?

*Feed back from pupils we spoke to:*

*Long queues, sometimes the 'thumb' system doesn't always work. (We were told this is usually because the thumb is not put on properly)*

*Cheaper to bring a pack up.*

*£1.30 for a bacon sandwich with one tiny bit of bacon is not good value and sometimes not good quality.*

E. Could the school accommodate an increase in the number of pupils taking a school meal? What would be the barriers?

*Yes, it would make sure it could.*

F. How involved are the school in the promotion of school meals?

*At parents and open evenings there is food to sample.*

G. Does the school gather feedback from either parents/carers and/or pupils on the school meals provided in the school?

Yes

H. How satisfied is the school with its current school meals provider? What are they good at? What could be improved?

*Very content. The meals have improved and are liked.*



- I. Is the school meal achieving value for money in terms of cost and quality?  
*Yes. The two course meal is subsidised by the profit from items such as bakes and soft drinks sold in the cafe*
- J. How would you rate the quality of the dining facilities currently available in the school?  
*Good, pleasant places to eat.*
- K. Do you, or have you considered offering a cashless payment system for parents?  
*Yes, have the thumb scan. Parents can put in money online and see what the child has bought.*
- L. What is the payment frequency for dinners? Option to pay daily, weekly in advance, half termly in advance, etc?
- M. Does the school run Clubs over lunchtime? Is there time to eat hot dinner and attend club?
- N. Do pack ups and dinners eat together in the dining room?  
*Yes, pack ups can usually eat wherever they like.*
- O. Is the dining room a pleasant place to eat in? Are queues tolerable? Is there pressure to eat quickly and go?  
*Yes it is. The students perceived the queues as long but they weren't too bad. There was no pressure to eat and go apart from the short lunch break – 35 minutes.*
- P. Does the school management have any input into the menu options? Do pupils have any input into menu options? Do the pupils get the meal they wanted (in choice schools?).
- Q. Can parents opt into dinners at any time or do they have to commit to a term etc?
- R. How are those entitled to free meals identified in the classroom/ dining room?  
*Cashless system ensures FSM children are not identified.*

S. Does the food look appealing? Is there much waste going in the bin?  
*Yes, don't know but very little left in cafe at end of lunch.*

T. Equalities

*TA sat with child with Downs Syndrome. Staff keep an eye on vulnerable pupils.*

### **Visit to Joseph Rowntrees School**

Under contract with Chartwells - 5 year contract to March 2015. After rebuild in 2010 Chartwells won the contract.

Head and Finance staff thought that they gave poor value for money. School maintain and repair equipment and are responsible for capital costs. The profit is split and the school receive on average £4,000 per annum. However, there is no open book system and the actual profit is unknown to the school. The school feels that the profits must be higher than they appear.

Meeting soon to renegotiate but Chartwells not willing to share information on profits. The staff working in school are good. Potential for school to join CYC contract post 2015. Turnover £1,600 per day.

FSM cost £2.40 which included a main meal and a drink or a main meal and a pudding.

Food is expensive e.g. panini cost £1.80. Lots of packaging. The average spend per pupil is £4. Cashless system where cards can be pre-loaded via the internet or at the machine in school. FSM pre-loaded card prior to lunch. 200 FSMs Termly letters to parents regarding signing up for FSM. Slip to provide information to parents to see if there is an entitlement.

The school is functionally difficult to manage at lunchtime. No social eating area. 1,300 children and staff.

Tick box healthy menu. Lots of cookies and pizza. Staff do not monitor what children buy.

Parent survey and school council raise no big issues apart from cost.

Breakfast - toast, crumpets and bagels available.

Break 11 to 11.15am - bacon sandwiches. Lunch 1.15pm to 2pm

Chartwells also manage a Costa Coffee franchise in school.

<b>MAINTAINED &amp; STATE-FUNDED PRIMARY SCHOOLS BY SELLING PRICE</b>	Number on roll	Number of pupils known to be eligible for and claiming free school meals (5)	% known to be eligible for and claiming free school meals	Number of pupils taking free school meals (3)	Gap Eligible for FSM and taking FSM Number	% taking FSM	Selling Price 2013
<b>STATISTICAL NEIGHBOURS (top 10: all "Very Close")</b>							
<b>England</b>	<b>4,348,400</b>	<b>785,535</b>	<b>18.1</b>	<b>665,685</b>	<b>119,850</b>	<b>85%</b>	
<b>THIS GROUP</b>	<b>378,282</b>	<b>53,303</b>	<b>13.5</b>	<b>44,453</b>	<b>9,377</b>	<b>83%</b>	<b>£2.01</b>
York	13,814	1,534	11.1	1,154	380	75%	£2.25
Cheshire West and Chester	25,958	3,585	13.8	3,019	566	84%	£2.20
Warrington	17,962	2,212	12.3	1,935	277	87%	£2.10
Staffordshire	62,863	8,086	12.9	6,771	1,315	84%	£2.10
Swindon	17,822	2,346	13.2	1,941	405	83%	£2.00
Nottinghamshire	64,974	9,734	15.0	7,591	2,143	78%	£2.00
Bury	16,899	2,703	16.0	2,327	376	86%	£1.90
Warwickshire	42,023	4,836	11.5	3,859	977	80%	£1.90
Trafford	20,924	2,522	12.1	2,187	335	87%	£1.85
Lancashire	95,043	15,745	16.6	13,669	2,076	87%	£1.75
Stockport	24,295	3,298	13.6	2,771	527	84%	tbc
<b>YORKSHIRE AND THE HUMBER (5)</b>	<b>460,535</b>	<b>85,890</b>	<b>18.6</b>	<b>71,320</b>	<b>14,570</b>	<b>83%</b>	<b>£1.88</b>
York	13,814	1,534	11.1	1,154	380	75%	£2.25
North Lincolnshire	13,992	2,527	18.1	2,109	418	83%	£2.10
East Riding of Yorkshire	25,554	2,812	11.0	2,254	558	80%	£2.10
North Yorkshire	44,008	4,216	9.6	3,370	846	80%	£2.10
Leeds	65,570	13,395	20.4	11,028	2,367	82%	£1.95-£2.05
Calderdale	19,445	3,345	17.2	2,985	360	89%	£2.00
North East Lincolnshire	13,960	2,852	20.4	2,454	398	86%	£2.00
Doncaster	27,065	5,750	21.2	4,935	815	86%	£2.00
Sheffield	44,102	9,404	21.3	7,336	2,068	78%	£1.98
Kirklees	38,709	7,149	18.5	6,126	1,023	86%	£1.85
Rotherham	23,915	4,706	19.7	3,850	856	82%	£1.85
Wakefield	29,337	4,909	16.7	4,127	782	84%	£1.80
Barnsley	20,887	4,494	21.5	3,837	657	85%	£1.70
Bradford	57,476	11,810	20.5	10,108	1,702	86%	£1.55
Kingston Upon Hull, City of	22,702	6,985	30.8	5,646	1,339	81%	£1.00
<i>Some primary schools make their own arrangements or set their own prices.</i>							
<i>Therefore some prices are only recommended by the authority as a guide.</i>							
<b>Other LAs in Region</b>	<b>"Closeness"</b>	<b>Other LAs in Region</b>	<b>"Closeness"</b>				
East Riding of Yorkshire	Very Close	Kirklees	Close				
North Yorkshire	Very Close	Rotherham	Close				
Calderdale	Very Close	Wakefield	Close				
Leeds	Close	North East Lincolnshire	Close				
Sheffield	Close	Barnsley	Somewhat close				
North Lincolnshire	Close	Bradford	Somewhat close				
Doncaster	Close	Kingston Upon Hull, City of	Not Close				
<i>Source: Children's Services Statistical Neighbour Benchmarking Tool 2009</i>							
Roll & FSM census data: Table 8a SFR_21_2013_with additional calculations for FSM gap.							

<b>STATE-FUNDED SECONDARY SCHOOLS BY SELLING PRICE</b>	Number on roll	Number of pupils known to be eligible for and claiming free school meals (5)	% known to be eligible for and claiming free school meals	Number of pupils taking free school meals (3)	Gap Eligible for FSM and taking FSM Number	% taking FSM	Selling Price 2013
<b>STATISTICAL NEIGHBOURS (top 10: all "Very Close")</b>							
<b>ENGLAND (5)</b>	<b>3,210,120</b>	<b>486,260</b>	<b>15.1</b>	<b>386,325</b>	<b>99,935</b>	<b>79%</b>	
<b>THIS GROUP</b>	<b>287,810</b>	<b>32,346</b>	<b>11.2</b>	<b>26,600</b>	<b>5,746</b>	<b>80%</b>	<b>£2.17</b>
Lancashire	68,080	8,955	13.2	8,080	875	90%	£2.55
York	9,748	821	8.4	634	187	77%	£2.40
Staffordshire	54,645	5,237	9.6	4,194	1,043	80%	£2.20
Cheshire West and Chester	20,403	2,156	10.6	1,612	544	75%	£2.20
Warwickshire	33,573	2,821	8.4	2,203	618	78%	£2.00-£2.20
Warrington	13,149	1,291	9.8	981	310	76%	£2.10
Bury	10,860	1,635	15.1	1,386	249	85%	£2.00
Nottinghamshire	48,433	6,010	12.4	4,657	1,353	77%	£2.00
Trafford	16,564	1,718	10.4	1,426	292	83%	£1.90
Swindon	12,355	1,702	13.8	1,427	275	84%	
Stockport	14,151	1,904	13.5	1,483	421	78%	
<b>YORKSHIRE AND THE HUMBER (5)</b>							
<b>East Riding of Yorkshire</b>	<b>21,310</b>	<b>1,859</b>	<b>8.7</b>	<b>1,281</b>	<b>578</b>	<b>69%</b>	<b>£2.40</b>
York	9,748	821	8.4	634	187	77%	£2.40
Calderdale	15,583	2,084	13.4	1,695	389	81%	£2.20-£2.30
Bradford	35,504	8,024	22.6	6,711	1,313	84%	£2.15
Doncaster	19,547	3,267	16.7	2,490	777	76%	£2.10
Leeds	44,561	8,088	18.2	6,455	1,633	80%	£2.10
North Yorkshire	38,404	2,801	7.3	2,152	649	77%	£2.10
Rotherham	18,534	3,050	16.5	2,280	770	75%	£2.05
North East Lincolnshire	9,216	1,460	15.8	1,298	162	89%	£2.04
Sheffield	29,884	5,510	18.4	3,914	1,596	71%	£2.03
Kirklees*	25,189	4,208	16.7	3,393	815	81%	£2.00
Wakefield*	20,061	2,870	14.3	2,293	577	80%	£2.00
Kingston Upon Hull, City of	12,629	3,613	28.6	2,594	1,019	72%	£1.90
North Lincolnshire	9,353	1,370	14.6	1,090	280	80%	
Barnsley	11,099	2,153	19.4	1,674	479	78%	
<i>Most secondary schools make their own arrangements.</i>							
<i>Prices are only recommended by the authority as a guide.</i>							
<i>*Indicates all cashless secondary schools, although this may also apply to other authorities.</i>							
<b>Other LAs in Region</b>	<b>"Closeness"</b>		<b>Other LAs in Region</b>		<b>"Closeness"</b>		
East Riding of Yorkshire	Very Close		Kirklees	Close			
North Yorkshire	Very Close		Rotherham	Close			
Calderdale	Very Close		Wakefield	Close			
Leeds	Close		North East Lincolnshire	Close			
Sheffield	Close		Barnsley	Somewhat close			
North Lincolnshire	Close		Bradford	Somewhat close			
Doncaster	Close		Kingston Upon Hull, City of	Not Close			
<i>Source: Children's Services Statistical Neighbour Benchmarking Tool 2009</i>							
Roll & FSM census data: Table 8b SFR_21_2013_with additional calculations for FSM gap.							

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 STATUTORY INSTRUMENTS
 

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2007 No. 2359

**EDUCATION, ENGLAND**
**The Education (Nutritional Standards and Requirements for  
School Food) (England) Regulations 2007**

<i>Made</i>	- - - -	<i>9th August 2007</i>
<i>Laid before Parliament</i>		<i>17th August 2007</i>
<i>Coming into force</i>	- -	<i>10th September 2007</i>

The Secretary of State for Education and Skills, in exercise of the powers conferred by sections 114A and 138(7) and (8) of the School Standards and Framework Act 1998(a), makes the following Regulations:

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Education (Nutritional Standards and Requirements for School Food) (England) Regulations 2007 and shall come into force on 10th September 2007.

(2) These Regulations apply in relation to food provided to pupils of schools maintained by a local education authority in England.

**Interpretation**

2.—(1) In these Regulations—

“the Meat Products Regulations ” means the Meat Products (England) Regulations 2003(b);

“the Fruit Juices Regulations ” means the Fruit Juices and Fruit Nectars (England) Regulations 2003(c);

“confectionery” means chewing gum, cereal bars, processed fruit bars, non-chocolate confectionery (whether or not containing sugar), chocolate in any form (except hot chocolate), any product containing or wholly or partially coated with chocolate and any chocolate-flavoured substance, but excludes cocoa powder used in cakes, biscuits and puddings or in a drink listed in group F in Schedule 1;

“food” includes drink;

“fruit juice” means the products described by that name or by the name of “fruit juice from concentrate” in Schedule 1 to the Fruit Juices Regulations;

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(a) 1998 c.31. Section 114A was inserted by section 86 of the Education and Inspections Act 2006 (c.40).

(b) S.I. 2003/2075.

(c) S.I. 2003/1564.

“meat” has the meaning assigned to it by Directive 2000/13/EC of the European Parliament and the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs<sup>(a)</sup>;

“meat product” has the same meaning as in the Meat Products Regulations;

“oily fish” includes anchovies, herring, kipper, mackerel, pilchards, salmon, sardines, trout, tuna (but not canned tuna) and whitebait;

“portion” means an amount of a particular food provided to an individual as part of a meal;

“sandwiches” includes filled rolls and similar products which are ready to eat without further preparation;

“school lunch” means food provided for consumption by pupils as their midday meal on a school day, whether involving a set meal or the selection of items by them or otherwise;

“snacks” means pre-packaged items other than confectionery which are ready to eat without further preparation and which consist of or include as a basic ingredient potato, cereals, soya, nuts, seeds, fruit or vegetables, but does not include sandwiches, cakes or biscuits;

“transfer of control agreement” has the same meaning as in paragraph 2(7) of Schedule 13 to the School Standards and Framework Act 1998;

“vegetable juice” means juice extracted from vegetables or tomatoes with no other substance added, except that any water extracted during concentration may be restored;

“week” means the five days from Monday to Friday.

(2) Nothing in these Regulations applies to food provided—

- (a) at parties or celebrations to mark religious or cultural occasions;
- (b) at fund-raising events;
- (c) as rewards for achievement, good behaviour or effort;
- (d) for use in teaching food preparation and cookery skills, provided that any food so prepared is not served to pupils as part of a school lunch ; or
- (e) on an occasional basis by parents or pupils.

### **Food Groups.**

3. For the purpose of these Regulations food shall be divided into the groups shown in Schedule 1, and any reference to a group is a reference to one of those groups.

4. Where a school is open for fewer than five days in any week the requirements in Schedules 2 and 3 which refer to the number of times food must or must not be provided by reference to a week shall apply as if the school were open for the whole of that week.

### **Lunch requirements**

5.—(1) This regulation applies to a school lunch provided

- (a) to registered pupils at a primary or secondary school which is not a special school, and
- (b) to any other person on the school premises.

(2) Before the dates given in paragraph (5), the nutritional requirements set out in Schedule 2 must be complied with.

(3) But paragraph (2) shall not apply in relation to a school where the nutritional standards and requirements in Schedule 3 are complied with.

(4) On and after the dates given in paragraph (5), the nutritional standards and requirements in Schedule 3 must be complied with.

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(a) OJ No. L109, 6.5.2000, p. 29; as amended by Commission Directive 2001/101/EC (OJ No.L310, 28.11.2001, p.19).

(5) In relation to primary schools the date is 1st September 2008; and in relation to secondary schools, 1st September 2009.

6.—(1) This regulation applies to a school lunch provided

- (a) to registered pupils at a maintained special school or a pupil referral unit, and
- (b) to any other person on the school premises.

(2) Before the date given in paragraph (4), the nutritional requirements set out in Schedule 2 must be complied with.

(3) But paragraph (2) shall not apply in relation to a school where the nutritional standards and requirements in Schedule 3 are complied with.

(4) On and after 1st September 2009 the nutritional standards and requirements in Schedule 3 must be complied with.

(5) Where a maintained special school or a pupil referral unit provides both primary and secondary education a school lunch provided to a junior pupil must comply with the requirements for primary schools in Schedules 2 and 3; and a school lunch provided to a senior pupil must comply with the requirements for secondary schools in Schedules 2 and 3.

### **Provision of other food**

7. Food provided to pupils on school premises on a school day before 6 p.m. otherwise than as part of a school lunch must be provided in accordance with the requirements set out in Schedule 4, except on any part of those premises which is under the control of another person by virtue of a transfer of control agreement.

8. Food provided by the local education authority or the governing body to pupils on a school trip on a school day before 6 p.m. otherwise than as part of a school lunch must be provided in accordance with the requirements set out in Schedule 4.

### **Drinks**

9. The supply of drinking water required by regulation 22(1) of the Education (School Premises) Regulations 1999<sup>(a)</sup> must be provided free of charge at all times to registered pupils on the school premises.

10. Fruit juice provided in schools must not contain—

- (a) honey; or
- (b) any of the additional ingredients listed in paragraphs 1 and 3(b) of Schedule 3 to the Fruit Juices Regulations.

11.—(1) Subject to paragraph (2), drinks provided in schools must not contain any added substances other than—

- (a) food additives in accordance with Directive 89/107/EEC of the Council of the European Communities on the approximation of the laws of the Member States concerning food additives authorized for use in foodstuffs intended for human consumption<sup>(b)</sup>; and
- (b) any substances mentioned in group F in Schedule 1.

(2) Drinks included in group F2 in Schedule 1 (combination drinks) may also contain flavourings in accordance with Directive 88/388/EEC of the European Parliament and Council on the approximation of the laws of the Member States relating to flavourings for use in foodstuffs and to source materials for their production<sup>(c)</sup>.

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(a) S.I. 1999/2.

(b) OJ No. L40, 11.2.89, p.27; as amended by Directive 94/34/EC (OJ NO.L237, 10.9.1994, p.1) and Regulation EC/1882/2003 (OJ No. L284, 31.10.2003, p.1).

(c) OJ No. L184, 15.7.88, p.6; as amended by Commission Directive 91/71/EEC (OJ No. L42, 15.2.91, p.25).

**Nursery schools**

12.—(1) Subject to paragraph (2), school lunches provided in maintained nursery schools and nursery units within primary schools must comply with the nutritional requirements set out in Schedule 5.

(2) If at any time the nutritional standards and requirements in Schedule 2 are complied with in respect of school lunches provided in a maintained nursery school or a nursery unit within a primary school, paragraph (1) shall not apply in relation to that school or unit.

13. Regulations 5, 7 and 8 do not apply to nursery schools or nursery units within primary schools.

**Revocation**

14. The Education (Nutritional Standards for School Lunches) (England) Regulations 2000(a) and the Education (Nutritional Standards for School Lunches) (England) Regulations 2006(b) are revoked.

*K Brennan*

Parliamentary Under Secretary of State  
Department for Education and Skills

9th August 2007

**SCHEDULE 1**

Regulation 3

**Food Groups**

<i>Food Group</i>	<i>Foods included in group</i>
A. Fruit and vegetables	Fruit and vegetables of all types, whether fresh, frozen or dried. Fruit canned in water or juice. Vegetables canned in water or juice. Fruit salad, fresh or canned in water or juice. Fruit juice and vegetable juice.
B. Meat, fish and other non dairy sources of protein	Meat and fish (in each case whether fresh, frozen, canned or dried), eggs, nuts, pulses and beans, other than green beans. Ham and bacon. Other non-dairy sources of protein. Any food containing meat together with food from groups A, D or E, but excluding any meat product falling within group C.
C. Meat products (sub-divided as shown)	Any meat product falling within Schedule 2 to the Meat Products Regulations, and any other shaped or coated meat product. C1: Burger, hamburger, chopped meat, corned meat. C2: Sausage, sausage meat, link, chipolata, luncheon meat. C3: Individual meat pie, meat pudding, Melton Mowbray pie, game pie, Scottish (or Scotch) pie, pasty or pastie, bridie, sausage roll.

(a) S.I. 2000/1777

(b) S.I. 2006/2381



	C4: Any other shaped or coated meat product.
D. Starchy foods	All types of bread, pasta, noodles, rice, potatoes, sweet potatoes, yams, millet and cornmeal.
E. Milk and dairy foods	Milk (skimmed, semi-skimmed or lactose-reduced), cheese, yoghurt (including frozen), fromage frais and custard; but not butter or cream.
F. Drinks (sub-divided as shown)	<p><u>F1: Plain drinks:</u>  Plain water (still or carbonated).  Milk (skimmed, semi-skimmed or lactose-reduced).  Fruit juice or vegetable juice.  Plain soya, rice or oat drinks enriched with calcium.  Plain fermented milk drinks.</p> <p><u>F2: Combination drinks:</u>  Combinations of fruit juice or vegetable juice with—  (a) plain water, in which case the fruit juice or vegetable juice must be at least 50% by volume and may contain vitamins and minerals;  (b) milk (skimmed, semi-skimmed or lactose-reduced) or plain fermented milk drinks (in each case with or without plain water) in which case the milk or fermented milk drink must be at least 50% by volume and may contain vitamins, minerals and less than 5% added sugars or honey;  (c) plain soya, rice or oat drink (in each case with or without plain water) in which case the soya, rice or oat drink must be at least 50% by volume and may contain vitamins, minerals and less than 5% added sugars or honey.</p> <p>Combinations of milk (skimmed, semi-skimmed or lactose-reduced), plain fermented milk drinks or plain soya, rice or oat drinks (in each case with or without plain water) with cocoa, in which case the milk, fermented milk drink, soya, rice or oat drink must be at least 50% by volume and may contain vitamins, minerals and less than 5% added sugars or honey.</p> <p>Flavoured milk (skimmed, semi-skimmed or lactose-reduced) containing not less than 90% milk by volume and which may contain vitamins, minerals and less than 5% added sugars or honey.</p> <p>Tea, coffee.</p> <p>Hot chocolate containing no more than 20 calories per 100 millilitres.</p>

SCHEDULE 2

Regulations 5 and 6

School lunch requirements

1. Food included in the groups set out in Schedule 1 must be provided as part of a school lunch in accordance with the following requirements of this Schedule.

2.—(1) Not less than two portions each day must be provided of food from group A, at least one of which must be salad, vegetables or vegetable juice and at least one of which must be fruit, fruit salad or fruit juice.

(2) A fruit based dessert (with a content of at least 50% fruit measured by the weight of the raw ingredients) must be provided at least twice each week in primary schools.

3.—(1) A portion of food from group B must be provided every day except a day when a food from group C is provided as permitted by paragraph 4.

(2) Red meat must be provided at least twice each week in primary schools, and at least three times each week in secondary schools; except that a day when a food from group C which contains red meat is provided may count towards this total.

(3) Fish must be provided at least once each week in primary schools and at least twice each week in secondary schools.

(4) Fish required to be provided by sub-paragraph (3) must at least once every three weeks be oily fish.

(5) In primary schools a dairy source of protein may be provided in place of a food from group B.

4.—(1) A portion of food from each of the subdivisions in group C may not be provided more often than once every two weeks.

(2) Any shaped product comprising a mixture of meat and other ingredients which is not included in the reserved descriptions specified in Schedule 2 to the Meat Products Regulations may only be provided if it complies with the meat content requirements for “Burger” in that Schedule.

(3) No meat product shall be provided if it contains any carcass part listed in regulation 6(2) of the Meat Products Regulations, subject to the exception in regulation 6(3) of those Regulations.

(4) No economy burgers as defined in Schedule 2 to the Meat Products Regulations shall be provided.

5.—(1) A type of bread with no added fat or oil and another food from group D must be provided every day.

(2) A food in group D cooked in fat or oil must not be provided on more than three days in a week.

(3) On each day when a food in group D cooked in fat or oil is provided, a food from that group (other than bread) not so cooked must also be provided.

6. A portion of food from group E must be provided every day.

7. No drinks other than those included in group F may be provided, except that whole milk may be provided for pupils up to the end of the school year in which they attain the age of five.

8. No more than two portions each week may consist of food which has been deep-fried in the cooking or manufacturing process.

9. No confectionery or snacks may be provided except snacks which consist of —

(a) nuts, seeds, fruit or vegetables with no added salt, sugar, honey or fat (except that dried fruit may contain no more than 0.5% vegetable oil as a glazing agent); or

(b) savoury crackers or bread sticks which are served with food from group A or group E.

10. Cakes or biscuits must not contain any confectionery.

11.—(1) No salt shall be available to add to food after the cooking process is complete.

(2) Other condiments may be available to pupils only in individual sachets or in individual portions of no more than 10 grams or one teaspoonful.

## SCHEDULE 3

Regulations 5 and 6

Nutritional standards and requirements applying to school lunches in maintained schools from 1st September 2008 (primary schools) and 1st September 2009 (secondary schools, special schools and pupil referral units)

### PART 1

#### Food requirements

1. Not less than two portions each day must be provided of food from group A, at least one of which must be salad, vegetables or vegetable juice and at least one of which must be fruit, fruit salad or fruit juice.

2. Oily fish must be provided at least once every three weeks.

3.—(1) A portion of food from each of the subdivisions in group C may not be provided more often than once every two weeks.

(2) Any shaped product comprising a mixture of meat and other ingredients which is not included in the reserved descriptions specified in Schedule 2 to the Meat Products Regulations may only be provided if it complies with the meat content requirements for “Burger” in that Schedule.

(3) No meat product shall be provided if it contains any carcase part listed in regulation 6(2) of the Meat Products Regulations, subject to the exception in regulation 6(3) of those Regulations.

(4) No economy burgers as defined in Schedule 2 to the Meat Products Regulations shall be provided.

4. A food in group D cooked in fat or oil must not be provided on more than three days in a week.

5. A type of bread with no added fat or oil must be provided every day.

6. No drinks other than those included in group F may be provided, except that whole milk may be provided for pupils up to the end of the school year in which they attain the age of five.

7. No more than two portions in each week may consist of food which has been deep-fried in the cooking or manufacturing process.

8. No confectionery or snacks may be provided except snacks which consist of –

(a) nuts, seeds, fruit or vegetables with no added salt, sugar, honey or fat (except that dried fruit may contain no more than 0.5% vegetable oil as a glazing agent); or

(b) savoury crackers or bread sticks which are served with food from group A or group E.

9. Cakes and biscuits must not contain any confectionery.

10.—(1) No salt shall be available to add to food after the cooking process is complete.

(2) Other condiments may be available to pupils only in individual sachets or individual portions of no more than 10 grams or one teaspoonful.

## PART 2

## Nutritional standards

**11.** In this Part—

“average school lunch” has the meaning given by paragraph 13 below;

“menu cycle” means a plan of menus for school lunches lasting for no less than one and no more than four consecutive weeks during a term;

“non-milk extrinsic sugars” means any sugar which is not contained within cell walls, except lactose in milk and milk products;

“nutrient” means any substance listed in the table in paragraph 14 below.

**12.** There shall be excluded from the calculations required by this Schedule any bread provided by virtue of paragraph 5 of part 1 of this Schedule.

**13.** The average school lunch for a school must be calculated by totalling the amounts of energy and nutrients provided by all school lunches in a menu cycle, and then dividing that total by the estimated number of school lunches served to individual pupils during that menu cycle.

**14.** The average school lunch must provide –

- (a) an amount of energy which shall be either the figure shown in the table below or within 5% of that figure;
- (b) no more than the amounts of fat, saturated fat, non-milk extrinsic sugars and sodium shown in the table below; and
- (c) at least the amounts of other nutrients shown in the table below.

<i>Energy or Nutrient and amount of measurement</i>	<i>Maximum or minimum of value</i>	<i>Primary Schools</i>	<i>Secondary Schools</i>
Energy in kilojoules (kilocalories)	-	2215 (530)	2700 (646)
Fat (grams)	Max	20.6	25.1
Saturated fat (grams)	Max	6.5	7.9
Non-milk extrinsic sugars (grams)	Max	15.5	18.9
Sodium (milligrams)	Max	499	714
Total carbohydrate (grams)	Min	70.6	86.1
Fibre (grams)	Min	4.2	5.2
Protein (grams)	Min	7.5	13.3
Iron (milligrams)	Min	3	5.2
Zinc (milligrams)	Min	2.5	3.3
Calcium (milligrams)	Min	193	350
Vitamin A (micrograms)	Min	175	245
Vitamin C (milligrams)	Min	10.5	14
Folate (micrograms)	Min	53	70

## SCHEDULE 4

Regulations 7 and 8

## Requirements for food provided otherwise than as part of a school lunch.

1. Foods from group A must be available in any place on the school premises where food is provided.
2. A portion of food in group C may only be provided if a portion permitted under paragraph 4(1) of Schedule 2 or paragraph 3(1) of Schedule 3 is not provided.
3. A portion of food from group D which is cooked in fat or oil may only be provided if a portion permitted under paragraph 5(2) of Schedule 2 or paragraph 4 of Schedule 3 is not provided.
4. No drinks other than those included in group F may be provided, except that whole milk may be provided for pupils up to the end of the school year in which they attain the age of five.
5. A portion of food which has been deep-fried in the cooking or manufacturing process may only be provided if a portion permitted under paragraph 8 of Schedule 2 or paragraph 7 of Schedule 3 is not provided.
6. No confectionery or snacks shall be provided except snacks which consist of nuts, seeds, fruit or vegetables with no added salt, sugar, honey or fat (except that dried fruit may contain no more than 0.5% vegetable oil as a glazing agent).
7. No cakes or biscuits shall be provided.
- 8.—(1) No salt shall be available to add to food after the cooking process is complete.  
(2) Other condiments may be available to pupils only in individual sachets or in individual portions of no more than 10 grams or one teaspoonful.

## SCHEDULE 5

Regulation 12

## Requirements for school lunches provided at maintained nursery schools and nursery units within primary schools.

Each day food from each of the categories (i), (ii), (iii) and (iv) below must be provided as part of the school lunch.

<i>Food Category</i>	<i>Foods included in category</i>
(i) Fruit and vegetables.	Fruit and vegetables in all forms (whether fresh, frozen, canned, dried or in the form of juice).
(ii) Starchy foods	Bread, chapatis, pasta, noodles, rice, potatoes, sweet potatoes, yams, millet and cornmeal.
(iii) Meat, fish and other non dairy sources of protein	Meat and fish in all forms (whether fresh, frozen, canned or dried) including meat or fish products, eggs, nuts, pulses and beans, other than green beans.
(iv) Milk and dairy foods	Milk, cheese, yoghurt (including frozen yoghurt and drinking yoghurt), fromage frais, milkshakes and custard, but not butter or cream.

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

These Regulations require food and drink provided in maintained schools to comply with certain nutritional standards which are set out in the Schedules. These Regulations replace the Education (Nutritional Standards for School Lunches) (England) Regulations 2000 and the Education (Nutritional Standards for School Lunches) (England) Regulations 2006.

These Regulations were notified in draft to the European Commission in accordance with Directive 98/34/EC, as amended by Directive 98/48/EC.

Regulation 2(2) sets out certain exemptions to these Regulations.

Regulation 3 and Schedule 1 divide food which is the subject of these Regulations into six groups for the purpose of the Schedules which prescribe requirements for food according to the groups.

As some requirements in the Schedules refer to the frequency with which certain foods must or must not be provided by reference to weeks, regulation 4 provides that where a school is only open for part of a week the menus should continue as if it were open for the whole week.

Regulation 5 sets out the requirements for school lunches provided to registered pupils whether on school premises or not, and to other persons on school premises. The local education authority or the governing body have a duty to ensure that these requirements are complied with. Requirements coming into force from 10th September 2007 are set out in Schedule 2. From 1st September 2008 (primary schools) or 1st September 2009 (secondary schools) schools must comply with the requirements in Schedule 3 in place of those in Schedule 2. They may also do so at an earlier date.

Schedule 3 is in two parts. Part 1 sets out requirements for the types of food that must be provided or must not be provided as part of school lunches after the dates given in regulations 5 and 6. Part 2 requires a calculation to be made to ensure that the correct amounts of energy and nutrients are contained in an average school lunch.

Regulation 6 provides that special schools and pupil referral units must comply with the requirements in Schedule 3 from 1st September 2009. They may also do so at an earlier date.

Regulation 7 specifies that food provided on a school day otherwise than as part of a school lunch must comply with the requirements in Schedule 4, unless it is provided after 6 pm or on part of the premises which is controlled by another person for community use. Regulation 8 makes similar provision in respect of food provided by the local education authority or governing body to pupils on a school trip. By virtue of Regulation 13 these provisions do not apply to nursery schools or to nursery units within primary schools.

Regulation 9 provides that drinking water must be provided free of charge to pupils on school premises.

Regulation 10 limits the ingredients that may be used in fruit juice provided in schools.

Regulation 11 specifies that drinks provided in schools may only contain the additives which are permitted by Directive 89/107/EEC or by these Regulations; except that combination drinks may also contain flavourings.

Regulation 12 applies the requirements in Schedule 5 to nursery schools and nursery units with primary schools in cases where they do not comply with Schedule 2. Regulation 13 disapplies regulations 5, 7 and 8 in respect of nursery schools and nursery units within primary schools.

Regulation 14 revokes the earlier Regulations.

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STATUTORY INSTRUMENTS

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