

Obvious breaches, inconsistent messages and good practices relating to healthy eating in schools

Audience: Estyn inspectors and Welsh Network of Healthy School Schemes (WNHSS) National Quality Award (NQA) assessors

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This document may be useful when reviewing healthy eating arrangements in maintained schools in Wales.

Definitions:

- 'Measure' refers to the [*Healthy Eating in Schools \(Wales\) Measure 2009*](#).
- 'Regulations' refers to [*The Healthy Eating in Schools \(Nutritional Standards and Requirements\) \(Wales\) Regulations 2013*](#).
- 'Statutory guidance' refers to the [*Healthy eating in maintained schools – Statutory guidance for local authorities and governing bodies*](#). This is a **practical guide** to implementing the *Measure* and *Regulations*. Councils and governing bodies must take account of the *Statutory guidance* and, if they decide to depart from it, have clear and justifiable reasons for doing so.
- 'Obvious breaches' are easily observable practices that are **not permitted** under the *Measure* or *Regulations* but sometimes occur in maintained schools. Estyn inspectors are required to note obvious breaches and indicate whether or not the school makes appropriate arrangements to promote healthy eating and drinking in their inspection report. Inspectors will use their professional judgement to decide whether obvious breaches are significant enough to affect overall judgments for leadership and care, support and guidance.
- 'Inconsistent messages' are fairly common practices that are **inconsistent** with the ethos of the *Measure* and *Regulations* but are not legislated. The *Statutory guidance* recommends that schools implement a **whole-school approach** to healthy eating and such practices can be restricted at the discretion of their governing body.



Examples of obvious breaches relating to breakfast food and drink provisions, before the start of the first school session:

- **Cereals** coated or flavoured with sugar, chocolate or cocoa powder.
- **Bacon rolls**
- **Sausages**
- **Hash browns**
- **Cakes and biscuits**

Examples of obvious breaches relating to break times, lunchtime and after school food and drink provisions, up to 6pm:

- **Free drinking water** is not accessible to pupils at all times during the school day, including restricting access to free drinking water at specific times of the day.
- **Pupils receiving free school lunches or milk** are identifiable by other pupils, including issuing tickets, different queuing systems and food and drink restrictions.
- **Confectionery**, including chocolate, fruit bars, cereal bars, marshmallows and decorative toppings made from icing sugar.
- **Savoury snacks**, including baked crisps, popcorn and rice cakes.
- **Cakes and biscuits** in nursery and primary schools, other than with lunch.
- **Condiments** in nursery schools or greater than 10ml in primary and secondary schools, including help yourself sauce bottles.
- **Salt** after the cooking process is complete, including the 'teachers' table'.
- **Hot chocolate** in secondary schools, served in greater than 250ml (9 fl oz) or with added substances other than water or milk, including sugar, syrups and cream.
- **Tea or coffee** in secondary schools with added substances other than milk, including sugar, syrups and cream.
- **Fruit juice, vegetable juice or combination drinks** in secondary schools with less than 50% fruit juice or vegetable juice.
- **Soft drinks, sports drinks, energy drinks and squash.**

Additional notes about obvious breaches:

- All food and drink provided on the **school premises**, must be compliant with the *Regulations* during the school day (i.e. between the breakfast provision and 6pm), including 6th forms, sport facilities, youth centres, shops and enterprises.
- **Fruit or vegetables** must be available at any place on the school premises where food is provided, including vending machines.
- In nursery schools, snacks should consist of **fruit, vegetables, bread products and dairy products**.
- In primary schools, break time food and drink provisions should consist of **fruit, vegetables, milk and water** only.
- To achieve NQA in primary schools, **fruit** and **vegetables** provided at break times must be fresh, rather than frozen, tinned or dried.



Examples of inconsistent messages and alternative good practices:

- **Food or drink rewards** being used for effort, achievement or good behaviour (e.g. confectionery awarded in assembly, hot chocolate with the head teacher). Good practice would be non-food rewards (e.g. stickers, house points, priority service, top table).
- **Birthday cakes** being brought into school following parties. Good practice would be non-food celebrations (e.g. singing happy birthday, non-uniform day).
- **Confectionery** being brought into school following family holidays. Good practice would be non-food sharing (e.g. presentation or questions about holiday).
- Confectionery, savoury snacks and/or soft drinks being sold to **raise funds** for the school or for individuals. Good practice would be selling non-food items (e.g. unwanted gifts, handmade gifts) and discouraging individuals from selling such food and drink, rather than commending them as 'entrepreneurs'.
- Confectionery, savoury snacks and/or soft drinks being sold at **school recreational or social events** (e.g. school disco, sports day). Good practice would be offering food and drink in line with the *Regulations* (e.g. water, milk, fruit, vegetables, bread products).
- Using food and drink that is restricted or not permitted under the *Regulations* in **curricular and extra-curricular activities** (e.g. melting chocolate to make birds' nests in science, decorating prepacked cake bases in design technology). Good practice would be developing practical knowledge and skills in line with the ethos of the *Regulations* (e.g. melting lard and adding seeds to make bird feeders, making dough for pizza bases and preparing vegetable toppings).
- **External agencies who provide resources and rewards** branded with manufacturers who produce food and drink high in sugar, fat or salt (e.g. training bibs, drinks bottles, vouchers). Good practice would be providing adapted or alternative resources (e.g. bibs turned inside out, unbranded drinks bottles) and applying the school's non-food reward practices.
- Allowing pupils to bring in confectionery, savoury snacks and/or soft drinks for their **packed lunch**. Good practice would be developing a whole-school food policy, in collaboration with pupils and consultation with parents/carers, working towards not permitting such items.
- Allowing pupils **offsite** to eat at local fast food outlets and convenience stores. Good practice would be enforcing an onsite eating policy and developing lunchtime arrangements that are conducive to healthy eating and socialising (e.g. appropriate scheduling, staggering lunchtimes, efficient queuing and payment systems, adequate supervision and behaviour management strategies, multiple service points, outside eating areas).
- **Shortening and delaying the lunchtime**, particularly in secondary schools, may encourage pupils to consume less wholesome lunches, in the form of 'snacks' at morning break or 'grab and go' items at lunchtime. Good practice would be scheduling a lunchtime of at least 45 minutes, commencing no later than 12:30.



Certificate of Compliance process

To help councils and governing bodies collect evidence and demonstrate compliance with the *Regulations* the WLGA has produced a [Healthy Eating in Schools Evidence Guide and Toolkit](#). The Food in Schools Manager issues **annual** Certificates of Compliance to catering services that submit **accurate and compliant evidence** and have their **provision checked** by the responsible council or governing body. This certification process is **voluntary** but can contribute to evidence during Estyn inspections and is increasingly being requested by WNHSS assessors ahead of NQA assessments. Such a process is particularly encouraged for secondary schools that make their own arrangements for providing school meals. In around half of these schools, Estyn has [reported](#) that governing bodies have not taken enough steps to assure themselves that their school is complying with the *Regulations*.

Good practice case studies

The WLGA is keen to develop and share **good practice** case studies relating to healthy eating in schools. If you have identified examples of good practice and would like these highlighted, please contact the Food in Schools Manager.