

The Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2020

To: All Chief Executives, Main Contacts and APSE Contacts in Scotland
For information only to England, Northern Ireland and Wales

Key Issues

The purpose of this briefing is to advise APSE members that on 18 May the Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2020 were laid in Parliament.

Link to the 2020 regulations:

<https://www.legislation.gov.uk/ssi/2020/153/contents/made>

1.0 Introduction

On Monday 18 May 2020 it was announced that the Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2020 had been laid at Parliament. These regulations are subject to completion of parliamentary process and have a noted commencement date of 8 April 2021.

APSE representatives along with colleagues from ASSIST FM, Education Scotland and the Care Inspectorate are also currently involved in a Scottish Government working group which is reviewing and revising the current [Healthy Eating in Schools](#) guidance, which was first published in 2008, in order that it continues to support those involved in the provision of school food and drink.

2.0 Regulations

The 2020 regulations are much more prescriptive than the previous 2008 regulations, which contained much more general statements such as “bread shall be provided every day” to now where “bread and bread rolls provided must contain a total fibre content of at least 3 grams of AOAC fibre per 100 grams”. The sections for primary schools and secondary schools are more defined than the

previous regulations, with separate standards applicable to food and drink provided to primary school pupils and secondary school pupils in the updated 2020 legislation.

3.0 Primary School Regulations

The primary school regulations contain a range of limitations on how often certain foods can be served, and on the nutritional quality of others. The regulations include:

Limitations on serving certain foods / condiments

- 'Specified meat' (e.g. beef, goat, lamb, pork, venison and offal) cannot be served other than as part of a school meal
- Pastry and any products containing pastry can only be served twice a week at most
- No confectionery is permitted
- No salt is to be provided for pupils to add to food
- Condiments can only be provided in individual 10ml portions
- Drinks – only plain water, plain milk, calcium enriched milk alternatives, milk drinks with no added sugar and drinking yoghurts with no added sugar are allowed to be provided as drinks
- Chips can only be provided as part of a school meal
- Deep fried foods cannot be provided more than 3 times a week
- Only plain varieties of savoury crackers, oatcakes and breadsticks can be provided with school meals
- Sweetened baked products / desserts cannot be provided more than 3 times per week, and can contain no more than 15 grams of total sugars

Nutritional value

- Breakfast cereals served can only contain a limited amount of total sugars, sodium and salt and must contain at least 3 grams per 100 grams of fibre
- Bread / bread rolls must contain 3 grams of AOAC fibre per 100 grams
- Sweetened yoghurt / fromage frais / etc can only be provided in 125 gram maximum portions with a limited amount of total fat and total sugar
- Oils have a limit on total saturated fat, total monounsaturated fat and total polyunsaturated fat
- Fat spreads have a limited total saturated fat and combined total monounsaturated and polyunsaturated fat
- Milk drinks / drinking yoghurts / calcium enriched milk alternatives have a limit on the amount of total fat and total sugars they can contain

Requirements for school meals

- At least two portions of vegetables and one portion of fruit must be offered as part of a school meal
- Oily fish must be provided at least once every 3 weeks

Provision outside of primary school meals

There are also requirements surrounding food and drink served in schools outside of school meals. These include:

- Portions of fruit and vegetables must be made available at any place where food is provided
- Plain savoury crackers, plain oatcakes and plain breadsticks can be provided. Otherwise, no food which has been fried is to be provided outside of school meals
- Other pre-packaged savoury snacks have a range of total fat, saturated fat, sodium, salt and sugar content restrictions that need to be met in order to be sold
- Sweetened baked products and desserts have a range of restrictions on sugar, fat and saturated fat content

4.0 Secondary School Regulations

The regulations for secondary schools differ slightly in some areas. All of the different limitations and requirements are detailed below:

Limitations on serving certain foods / condiments

- Specified meat (and processed) – there is a limit of 230 grams on specified and processed specified meat that can be provided over the school week as part of a school meal or any other provision with a limit of 130 grams of processed specified meat
- Evening meals can contain no more than 115 grams of specified meat and processed specified meat over the school week, with a limit of 65 grams of processed specified meat
- Chips can only be provided as part of a school meal
- Only plain varieties of savoury crackers, oatcakes and breadsticks can be provided with school meals
- Deep fried foods cannot be provided more than 3 times a week (with an exception on savoury snacks)
- Pre-packaged savoury snacks have a range of total fat, saturated fat, sodium, salt and sugar content restrictions that need to be met in order to be sold
- Pastry and any products containing pastry can only be served twice a week at most
- No confectionery is permitted
- No salt is to be provided for pupils to add to food
- Drinks – only plain water, plain milk, calcium enriched milk alternatives, milk drinks with no added sugar, drinking yoghurts with no added sugar, tea, coffee and sugar-free drinks are allowed to be provided as drinks in secondary schools

Nutritional value

- Breakfast cereals served can only contain a limited amount of total sugars, sodium and salt and must contain at least 3 grams per 100 grams of fibre

- Bread / bread rolls must contain 3 grams of AOAC fibre per 100 grams
- Sweetened yoghurt / fromage frais / etc can only be provided in 175 gram maximum portions with a limited amount of total fat and total sugar
- Sweetened baked products and desserts have a range of restrictions on sugar, fat and saturated fat content
- Oils have a limit on total saturated fat, total monounsaturated fat and total polyunsaturated fat
- Fat spreads have a limited total saturated fat and combined total monounsaturated and polyunsaturated fat
- Milk has a limit on total fat content
- Calcium enriched milk alternatives, milk drinks and drinking yoghurts have limits on total fat and total sugars content
- Sugar-free drinks have limits on total sugars and total caffeine content

Requirements for school meals

- Oily fish must be provided at least once every 3 weeks
- At least two portions of vegetables and one portion of fruit must be offered as part of a lunch and an evening meal
- Portions of fruit or vegetables must be made available in any place on school premises where food is provided with a portion of at least 80 grams, or 30 grams for dried fruit

5.0 Nutrient standards for school meals

The nutritional requirements contain guidelines on the calculations that should be used to calculate the energy contained within the average school meal.

Formula	Values
$\frac{A}{B}$	A = total energy provided in all school meals served in a day B = the estimated number of school meals served to pupils during that day
$\frac{C}{D} + E$	C = the total amount of energy and nutrient content provided in all school meals served in the course of a school week D = the estimated number of school meals served to pupils during that school week E = the number of days in the school week

The average school meal must provide:

- either the amount of energy listed in the appropriate table below (in section 6.0 of this briefing) or within 15% of this figure on a daily basis, or within 10% of this figure on a weekly basis
- The amounts of fat, saturated fat, free sugars and sodium listed in the table below are not to be exceeded
- The amounts of nutrients specified in the table below have to be met as a minimum

6.0 Comparison of the 2008 and 2020 nutrient values

Below is a comparison of the nutrient values in the 2008 and updated 2020 version of the Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations. The columns show the values for 2008, 2020 and the difference between them for each of the different nutrients.

Nutrient	Minimum or maximum value (where applicable)		School meal provided to primary school pupils			School meal provided to secondary pupils		
	2020	2008	2020	2008	Diff	2020	2008	Diff
Energy (kilo calories)			518	557	- 39	745	664	+ 81
(kilojoules)			2165	2328	- 163	3114	2776	+ 338
Total fat (grams)	Max	Max	20.1	21.7	- 1.6	29	25.8	+ 3.2
Saturated fat (grams)	Max	Max	6.3	6.8	- 0.5	9.1	8.1	+ 1.0
Total carbohydrates (grams)	Min	Min	69.1	74.3	- 5.2	99.3	88.5	+ 10.8
Free sugars (grams)	Max	Max*	10.4	16.3*	- 5.9	14.9	19.5*	- 4.6
Fibre (AOAC) grams	Min	Min	6	4.5	+ 1.5	9	5.3	+ 3.7
Protein (grams)	Min	Min	19.4	8.5	+ 10.9	27.9	13.6	+ 14.3
Iron (milligrams)	Min	Min	3	3	0	4.4	4.4	0
Calcium (milligrams)	Min	Min	165	165	0	300	300	0
Vitamin A (retinol equivalent) (micrograms)	Min	Min	150	150	0	187	187	0
Vitamin C (milligrams)	Min	Min	9	9	0	11	11	0
Folate (micrograms)	Min	Min	45	45	0	60	60	0
Sodium (milligrams)	Max	Max	686	745	- 59	824	894	- 70
Zinc (milligrams)	Min	Min	2.1	2.1	0	2.8	2.8	0

* The 2008 regulations refer to non-milk extrinsic sugars (grams) rather than free sugars (grams)

The above figures show a slightly different approach between the 2008/2020 changes for primary and secondary schools, where the recommendations are to increase kilo calories, kilojoules, total fat, saturated fat and total carbohydrates for secondary schools, and to decrease these in primary schools.

7.0 APSE Comment

APSE recognise Local Authority Caterers commitment and willingness to continue to promote school meals as an exemplar of tasty, healthy and nutritious food and recognise positive dietary changes should be promoted in all settings. As well as this APSE welcomes both its and ASSIST FM's involvement in the development of the new guidance and both organisations continue to work with Scottish Government and other stakeholders to support an effective implementation of the updated guidance. However, the Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2020 present several challenges for local authorities. The highly prescriptive nature of the regulations in comparison to previous arrangements will have an effect on the freedom of local authorities to deliver services as they see fit. APSE also has concerns about how marketable a new, even healthier school meal service will be to children, especially if it is seen as imposing further restrictions on choice. This could lead to more young people making the choice to go outside the school gates and visit bakeries, shops and takeaways that are not bound to these restrictions or to bring in a packed lunch. There may also be cost implications related to these changes and as noted in our previous [briefing 19-37](#), COSLA have been in discussions with the Scottish Government regarding this, with APSE and ASSIST FM continuing to provide assistance where required. While we agree with the general health aims of the nutritional requirements changes, APSE would ask Scottish Government to help support local authorities by looking to address the potentially unintended consequences of the introduction of the new regulations. APSE would also ask all to be mindful of the continuing impact of COVID-19 on local authority catering services moving forward and the potential challenges with regards to maximising the number of children receiving a healthy, nutritious meal.

APSE will encourage our members to continue to share best practice on the changes being implemented through our catering advisory groups and network queries service.

Reminder: APSE has set up a COVID-19 Information Hub to deal with frontline service issues as they arise, ensuring greater resilience and learning between each other during this difficult time. You can access this hub by [clicking here](#) and you can also join our WhatsApp Support Network by [clicking here](#).

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