



Briefing 21-22

March 2021

The Milk and Healthy Snack Scheme (Scotland) Regulations 2021

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

Key Issues:

The Milk and Healthy Snack Scheme (Scotland) Regulations 2021 were laid before the Scottish Parliament on 19 February 2021 and will come into force on 21 March 2021. The regulations extend to Scotland only.

Direct hyperlinks to the regulations and associated documents can be found below:

- The Milk and Healthy Snack Scheme (Scotland) Regulations 2021 - [click here](#)
- Business and Regulatory Impact Assessment - [click here](#)
- Children's Rights and Wellbeing Impact Assessment - [click here](#)
- Equality Impact Assessment - [click here](#)

1.0 Introduction

These regulations establish a new Scottish Scheme for the funding of free milk (or non-dairy alternative) and a healthy snack item for children cared for by registered day care providers and childminders. This scheme will be delivered by local authorities on behalf of the Ministers, and allows them to provide direct funding to pre-school day care providers and childminders.

This applies to:

- Children who spend 2 or more hours a day in these settings
- Settings which have registered with the local authority to be part of the scheme

The funding provides:

- 189mls of plain fresh cow's milk, goat milk or sheep milk (whole milk for children > one year, semi-skimmed milk for children < 2 years) or infant formula for children < one year. Unsweetened calcium enriched non-dairy alternatives are permitted for those who cannot consume milk for various reasons

- A healthy snack item (one portion of fresh fruit or vegetables without any fat, sugar, flavouring or any other ingredient added)

2.0 Why is this being implemented?

The policy is being implemented to encourage healthy drinking and eating from the earliest years to improve the diets and wellbeing of children. The aim of the scheme is to reach the greatest number of pre-school children quickly by using a universal approach.

The scheme contributes to the following Scottish Government National Outcomes:

- Our children have the best start in life and are ready to succeed
- We live longer, healthier lives
- We have improved the life chances for children, young people and families at risk

The scheme also supports the following Scottish Government Sustainable Development Goals:

- SDG1 - No Poverty
- SDG 2 - Zero Hunger
- SDG 3 - Good Health and Wellbeing
- SDG 10 - Reduced Inequalities

3.0 How the scheme is administered

The design and delivery of the scheme has been designed collaboratively by Scottish Government and COSLA along with other relevant governance groups.

The Scottish Government is responsible for funding the scheme; it will be an upfront payment model with the funding routed through local authorities, with local authorities being expected to establish registration and payment mechanisms to suit local needs. The scheme is moving away from previous reimbursement systems that put a large administrative burden on day care providers and childminders.

The regulations come into force on 21 March 2021 and from 1 August 2021, childcare providers can receive an upfront payment from local authorities if they have registered under the scheme. The funding for the scheme has initially been ring-fenced for 2 years up to and including 2022-2023. The Scottish Government will be responsible for reviewing costing assumptions to ensure funding levels are correct.

4.0 APSE Comment

APSE notes the implementation of the Milk and Healthy Snack Scheme (Scotland) Regulations 2021 and welcomes the involvement of our local authority members in the development of the policy. APSE along with a number of other organisations including ASSIST FM were members of the Scottish Government Nursery Milk Short Term Working Group which has helped inform the development of this policy. APSE is also pleased to see that funding will be ring-fenced and hopes to see this extended past 2022-2023.

Scottish Government, at the time of writing this briefing, are still working on associated guidance and planned communications. APSE has provided feedback via the working group members to Scottish Government regarding the importance of clear information within the guidance for the registration and administrative processes involved including access to details of registered providers not part of the Early Learning and Childcare framework; validation and monitoring of claims; quality control processes and fluctuations in attendance. In addition, we have requested further information on the communications plan particularly for those which are not in partnership arrangements with local authorities. As well as highlighting the importance of including finance colleagues in conversations regarding the policy and guidance and enquiring as to whether there is any information on the scale of initial set up investment.

APSE's soft facilities management members are tirelessly passionate about delivering high quality, healthy food to children and young people, and we are pleased to be involved in the development of any policy which helps enable the achievement of these goals. APSE will continue to provide input and feedback to Scottish Government regarding the implementation of the new Regulations and associated guidance.

For more information and discussions around this and other local authority soft facilities management services please [click here](#) to keep up to date on our latest Scotland Soft Facilities Management advisory group meetings.

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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