

Children and Young People's Commissioner Scotland submission of 6 June 2022

PE1926/C: Expand universal free school meals for all nursery, primary and secondary school pupils

Established by the Commissioner for Children and Young People (Scotland) Act 2003, the Commissioner is responsible for promoting and safeguarding the rights of all children and young people in Scotland, giving particular attention to the United Nations Convention on the Rights of the Child (UNCRC). The Commissioner has powers to review law, policy and practice and to take action to promote and protect rights.¹ The Commissioner is fully independent of the Scottish Government.

Introduction

We welcome the opportunity to provide the Committee with our views in relation to the present petition to expand universal free school meals for all nursery, primary, and secondary school pupils. This briefing builds upon previous evidence that we have submitted in relation to the Good Food Nation (Scotland) Bill² and the proposal for a Right to Food Bill.³

Children and young people in Scotland have told us that poverty is the single-most important issue for them. This includes food poverty. Thousands of children across Scotland currently live in food insecurity - where they do not have consistent access to sufficient affordable, nutritious food. The rising cost of living and [increasing child poverty numbers](#) continues to affect children and young people's right to food across Scotland. Food insecurity affects children's physical and mental health and lifelong development.⁴ Children who experience food insecurity are more likely to face adverse health outcomes,

¹ Section 4, Commissioner for Children and Young People (Scotland) Act 2003

² See for example, our response to call for views by the Rural Affairs, Islands and National Environment Committee on the Good Food Nation (Scotland) Bill, December 2021. Available here: <https://www.cypcs.org.uk/wpcypcs/wp-content/uploads/2021/12/Good-Food-Nation-Scotland-Bill-response.pdf>

³ Response, Proposal for a Right to Food Bill, February 2022. Available here: <https://www.cypcs.org.uk/wpcypcs/wp-content/uploads/2022/02/Download-Right-to-Food-Bill-Consultation-response-1.pdf>

⁴ UNICEF, Prevalence and Correlates of Food Insecurity among Children across the Globe, Office of Research – Innocenti Working Paper WP-2017-09, June 2017. Available here: https://www.unicef-irc.org/publications/pdf/IWP_2017_09.pdf

developmental risk, obesity, and malnutrition. Food insecurity also affects educational performance and can make it harder to self-regulate behaviours and emotions.

Free school meals are a crucial measure that help ensure children's right to food is fulfilled. More widely, free school meals also play an important role in promoting food security and tackling child poverty. We therefore welcome the Scottish Government's Commitment to further expand universal free school meal provision to all children in primary schools.⁵ We however note with concern the delay to the rollout of universal provision to all children in primary 6 and 7.

While free school meals are an important lever to tackle child food poverty in Scotland, they are not being consumed on a typical day by a substantial number of children. We note that in secondary schools there is evidence of declining uptake of free school meals, with increasing children and young people choosing to leave school at lunchtime. Children and young people have told us that there are several barriers to taking up free school meals, including lack of awareness of eligibility for free school meals; stigma; quality of food and portion sizes; lack of choice; and desire for time away from the school estate.

We welcome the principle that extending access to universal free school meals to all secondary school pupils will remove the current age-based cliff-edge of access to support.

However, we do not consider that there is sufficient evidence at present to show that simply expanding universal free school meals to secondary schools, through the current model of provision, will have the desired impact on raising uptake of free (and paid) school meals.

The Scottish Government, local authorities and individual schools must take steps to address the barriers which discourage children and young people in secondary schools from taking up free school meals; working with children and young people to create offers of support which better meet their needs.

⁵ Page 60, Best Start, Bright Futures: Tackling Child Poverty Delivery Plan 2022-2026. Available here: <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2022/03/best-start-bright-futures-tackling-child-poverty-delivery-plan-2022-26/documents/best-start-bright-futures-tackling-child-poverty-delivery-plan-2022-2026/best-start-bright-futures-tackling-child-poverty-delivery-plan-2022-2026/govscot%3Adocument/best-start-bright-futures-tackling-child-poverty-delivery-plan-2022-2026.pdf?forceDownload=true>

Human rights framework

The right to food as a human right is enshrined in international human rights law in Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Article 11 recognises that:

- everyone has the right to an adequate level of food,
- governments must take measures to improve the production, conservation, and distribution of food,
- governments must tell people about the principles of nutrition,
- governments should develop or reform the ways they produce food so that natural resources are developed and used in the most efficient way, and
- the world's food supplies should be distributed in an equitable way.

The [UN Committee on Economic, Social and Cultural Rights](#) has provided further guidance in its [General Comment no. 12](#) on the right to adequate food. The right to food is comprised of four key elements: 1.) availability, 2.) adequacy, 3.) accessibility, and 4.) sustainability – for present and future generations. ‘Adequacy’ refers to the dietary needs of an individual which must be fulfilled not only in terms of quantity but also in terms of nutritious quality. ‘Accessibility’ includes affordability; individuals in all settings should be able to have an adequate diet without it affecting their other basic needs, such as housing, fuel, and other key costs.

The right to food is closely linked to children’s rights to health (UNCRC article 24) and education (UNCRC articles 28 and 29), among others. Nutrition is an essential component of the right to health and of the right to food and poor health impacts on the realisation of a wide range of children’s human rights.

Free school meals in secondary schools – evidence

According to the Scottish Government’s latest [School Healthy Living Survey](#), 44.6% of secondary school pupils in 2020 took a school meal (whether free or paid for). The proportion of pupils registered for free school meals who typically consume a free school meal has fallen in each of the last four years for secondary school pupils (from 73.9% in 2016 to 70.9% in 2020).⁶ We note that these statistics pre-date the COVID-19 pandemic. We anticipate that a combination of the pandemic

⁶ School Healthy Living Survey supplementary statistics, 2020. Table 17

and the rising cost of living will result in more children becoming eligible for free school meals.

We recognise that the majority of secondary school pupils, particularly older children, will choose to leave school at lunchtime. There is some evidence to indicate that food and drink purchasing habits of secondary school pupils out of school at lunchtime may be contributing to poor dietary intakes and obesity.⁷

[Childhood obesity remains a significant concern in Scotland](#), particularly between the ages of 12 and 15 and for children living in poverty. Poverty and deprivation are associated with poor nutritional outcomes. [Across the UK](#), there is a marked socio-economic gradient for childhood obesity and children in the most deprived parts of the country do not grow as well and are on average a centimetre shorter by the time they reach age 11 than children in the richest areas.

Young Scottish Ambassadors working with the [Future Food Inquiry](#) highlighted how easy it was for school pupils to eat unhealthy foods. [One Ambassador stated](#), “In our community there is a dot-to-dot of takeaways lining our streets. They offer lunchtime specials to school children, they are even promoted on our bus tickets.”

In EU Member States there is no consistent approach in relation to universal free school meal provision in secondary schools.⁸ For example, In Sweden, as of 1997, it has been mandatory by law for schools to provide free lunches to all primary and lower secondary school pupils (ages 6-16) and as of the 2010 Education Act, they must also be ‘nutritious’. Recently, it has also become common for schools to provide breakfast and snacks, in addition to lunch. While school meals began as a means to combat undernutrition, the rationale has since shifted towards combatting obesity, with one in five children in Sweden now overweight or obese.

Expanding eligibility thresholds

One of the biggest challenges to free school meal uptake is the eligibility thresholds, which [do not include all children affected by poverty](#),

⁷ Macdiarmid, Food and drink purchasing habits out of school at lunchtime: a national survey of secondary school pupils in Scotland, published August 2015.

⁸ EU Commission, Provision of school meals across the EU, An overview of rationales, evidence, facilitators and barriers, 2021

To be eligible for free school meals the [income threshold](#) for families in receipt of child tax credits is £16,105 and, for those in receipt of both child tax credits and working tax credits, the income threshold is £7,500. The threshold for those in receipt of universal credit is also £7,500 (multiply £625 by 12).

We note that these income thresholds have changed little in 20 years. In this regard, we note that in 2002 the income threshold for families in receipt of child tax credits was £13,230. We also note that the threshold for free school meal entitlement on the Scottish Government's and local authorities' websites has not changed since it was set in 2015, a full seven years ago (£16,105). This means that far fewer lower income families are now eligible for free school meals.⁹

We are of the view that a substantial increase in the income threshold is essential to ensure that more children affected by poverty are eligible for free school meals.

School meal debt

The low eligibility threshold for free school meals means that many families who earn just above the threshold, but who are affected by poverty, must pay for their children's school meals.

As of December 2021, parents in Scotland have accrued over £1,000,000 in school meal debt.¹⁰ These debts affect around 24,000 pupils. A number of local authorities in Scotland have a policy or written procedure on school meal debt, including steps for debt recovery.

We also note that it is also possible for secondary school child to receive a meal and to accrue debt. The way this happens is that the secondary school pupil has to go to the school office and request a special voucher to access a school meal and then the debt is applied to the parents' ParentPay or IPayimpact, or other cashless account. We share concerns expressed by Professor Morag Treanor that in reality children may not be presenting to the school office for a voucher that will result in stigma, shame and debt accrued to the parents. Rather, it is exceedingly likely that such pupils are going hungry.

The increasing cost of living is placing significant pressure on family finances. Pursuing debt, which in many cases families will never be able

⁹ Professor Morag Treanor, Report on the FOIs for school meal debt, February 2022

¹⁰ Based on responses of 29 local authorities that responded to Freedom of Information Requests submitted by Professor Morag Treanor

to pay back, is causing families and children additional stress and embarrassment.

Therefore, in addition to raising the eligibility threshold for free school meals, we also support calls¹¹ for the Scottish Government to make available funds for local authorities to write off school meal debt.

Barriers to accessing free school meals in secondary schools

Children and young people have told us that free school meals are a positive policy that can help reduce poverty and inequality. However, in 2022 one young person highlighted to us the inconsistency between different schools and local authorities with regards to the delivery of free school meals:

“I think [free school meals] are great. But when you think about it, it’s only one meal in the day. Some schools do a breakfast club, and this is good, but loads of schools don’t do this. If you’re not in school then you don’t have access to [free school meals]. A lot of people, due to poverty, might drop out of school early, so you lose the opportunity to get a free meal. More could also be done to ensure that people are getting at least 2 meals a day, with 3 obviously being ideal.”

Further challenges to free school meal uptake include the amount provided and the cost of school meals. In 2019, a young person told us of the limitations of free school meals, noting, “I only get £2.55 on my card so I can’t afford very much. Sometimes I can only get a juice or a drink and a snack”.

Stigma remains a barrier to accessing free school meals. In particular, children and young people have told us that many pupils who need free school meals in their schools do not get them, though they were not sure why this was the case.

In 2022, one young person told us that the method of delivering free school meals by automatic transfer to school cards was a good policy, since it is anonymous and therefore reduces any stigma. But, the pandemic has demonstrated that a cash-first approach to the provision of free school meal alternatives when schools closed was essential and most effective.

¹¹ The Herald, “School dinner debt to councils ‘should be written off’, 25 March 2022.
<https://www.heraldscotland.com/politics/20021147.school-dinner-debt-councils-should-written-off/>

A recent [report commissioned by the Poverty and Inequality Commission](#)¹² has highlighted several examples of practices by schools to reduce the negative stigma attached to claiming free school meals. In one school it was noted that “parents were too ashamed to admit that help was required and were choosing to struggle on instead of claiming that to which they were entitled. Many families were not even aware that their children were entitled to free school meals”.¹³ However, the report found that parents are more likely to register for free school meals if they have personal help to assist them through the registration process. Increasing awareness of free school meal entitlement, signposting families to specialised supports, and speaking more openly about free school meals can also serve to reduce the stigma associated with free school meals.

Children and young people have also told us that the quality of school meals has worsened and the portion sizes have decreased. Many children and young people, including those eligible for free school meals, choose to leave school during lunchtime to buy their lunch. While it is important to respect this choice, it must be balanced with the need to guarantee a healthy and nutritious lunch. Indeed, the quality of school meals has been cited by some children and young people as a reason for going out for lunch. This places secondary school pupils who take free school meals at a particular disadvantage. In 2022, one young person told us: “The standard of the food has dropped significantly from when I started primary to when I finished secondary... Now we’ve learned we should just go out for lunch. It’s cheaper, you get better quality of food and you get more food”.

Children and young people have also told us that long queues for school lunches coupled with school canteen capacity discourages uptake of school lunches. In 2022, one child told us that their school operates a ‘first come first serve’ for school lunch, which often results in a shortage of food towards the end of the lunch period, therefore undermining the policy objectives of free school meals.

In line with Article 12 UNCRC (respect for the views of the child) we consider that involving children and young people is the key to increasing uptake of school meals. Examples of successful practices include involving pupils in the whole process of school meals production;

¹² John H. McKendrick and Sophie Cathcart, Tackling Food Insecurity in Scottish Schools: Case Studies of Strengthening Free School Meal Provision in Scotland, published March 2021

¹³ Ibid, page 17, example of Sound Primary School in the Shetland Isles,

relationship building with pupils; and consulting with pupils on what they actually want.¹⁴ We note that in one secondary school, pupils are consulted through focus groups to share their opinions with the catering staff, and as a result, concept packages such as 'Taco Tuesday' and 'Fish and Chip Friday', have been introduced.¹⁵ Together with other measures, this has led to higher levels of uptake of school meals in this particular school.

Conclusions

We welcome the principle that extending access to universal free school meals to all secondary school pupils will remove an age-based cliff-edge of access to support. However, we do not consider that there is sufficient evidence to indicate that simply expanding universal provision of free school meals to all secondary school pupils, through the current model of provision, will lead to the desired increase in uptake of school meals. Indeed, children and young people have identified several challenges with regards to free school meals, including quality and quantity of food, lack of choice and insufficient facilities. At the same time, lunch options outside the school premises often present greater value for money, leading to children and young people (including those eligible for free school meals) to eat outside school.

To address these issues, we consider that it is important that school meals are viewed as an 'attractive' option for all school pupils. Best practice examples cited above demonstrate that where children and young people have been properly consulted with regards to both the design and delivery of school meals, then uptake rises. The role of teachers and other staff has also been identified as an important factor, both in ensuring that the meal is a positive experience for children and young people, but also to help increase awareness of free school meal eligibility and signposting to support for parents. Teachers need to be well-equipped to facilitate informal education on nutrition and healthy lifestyle.

At the same time, we consider that the Scottish Government and local authorities must take steps to address the barriers to accessing free school meals. In particular, in light of the rising cost of living we consider the Scottish Government ought to review and expand the eligibility thresholds for free school meals, including by substantially increasing

¹⁴ McKendrick and Cathcart, Tackling Food Insecurity in Scottish Schools, page 20

¹⁵ Ibid. Page 12, Dunoon Grammar School.

the income threshold. The Scottish Government should also explore options to promote awareness of free school meals with the aim of both encouraging increased registration among eligible families and to reduce stigma.