

# **Briefing for the Citizen Participation and Public Petitions Committee on petition [PE2158](#): Introduce a maximum temperature for serving hot liquids to children in childcare settings, lodged by Terri Gunning**

## **Brief overview of issues raised by the petition**

The petition seeks to ensure a consistent approach to serving hot food to young children by introducing a nationally-set maximum temperature for the serving of hot liquids to children within childcare settings.

The petition was lodged following an incident with hot liquids in a nursery setting. This media article contains further detail of the incident that prompted the petition: [Parents of Ayrshire toddler scarred for life by hot soup at nursery campaign for 'Freya's Law'](#)

This briefing sets out legislation and guidance on food control temperatures in Scotland and information on the prevention and management of scalding incidents in children's settings.

## **Legislation**

### **Food and hygiene**

Legislation sets out the temperature which food must be cooked to, or held to, in Scotland. The temperature control requirements are set out in Schedule 4 of the [Food Hygiene \(Scotland\) Regulations 2006](#).

Under the regulations, hot food must be maintained at or above 63°C to prevent bacterial growth, and reheated food must reach a temperature of 82°C or above to ensure it is safe to eat.

There is no maximum temperature for the serving of hot liquids to children set out in legislation.

The Scottish Government has confirmed that Local Authorities set their own temperatures for serving of food in schools and Early Learning and Childcare (ELC) settings in line with their responsibilities under the [Health and Safety at Work etc. Act 1974](#). The Scottish Government has contacted [ASSIST FM](#), which represents LA catering teams in Scotland, and they confirmed that most LAs have set temperatures for serving food. However, there is no published data on what these temperatures are.

## Water temperature in school premises

In July 2017, the Scottish Government [sought views](#) on plans to update the [School Premises \(General Requirements and Standards\) \(Scotland\) Regulations 1967](#). Regulation 25(4), in relation to water supplies in showers, states that “every shower shall have a supply of water warmed to a temperature of not less than 38°C nor more than 44°C.” The [subsequent analysis](#) found that:

“A few comments were made specifically regarding water temperature and tended to be in agreement with the suggested temperature range, with one local authority respondent recommending a maximum of 41 degrees.”

In response, to question [S6W-28209](#), asking the Scottish Government whether it will provide an update on what work it is undertaking to update the School Premises (General Requirements and Standards) (Scotland) Regulations 1967, the Cabinet Secretary for Education and Skills responded:

“The Scottish Government intends to update the School Premises (General Requirements and Standards) (Scotland) Regulations 1967. Given the time elapsed between the previous consultation exercise that took place in 2017-18, we must now consider the updated context that the regulations will exist in. We are now taking this work forward.”

## Guidance for childcare settings

### Early years

The Scottish Government published [Setting the Table](#) in October 2024, which contains nutritional standards and practical guidance for early learning and childcare providers in Scotland. Setting the Table was produced by a multi-partner working group consisting of national statutory bodies, clinical and nutritional experts and ELC sector representatives. Membership included:

- Public Health Scotland,
- Food Standards Scotland,
- Care Inspectorate,
- Education Scotland,
- NHS Greater Glasgow and Clyde dietetics,
- The Children and Young People’s Allergy Network Scotland (CYANS),
- Early Years Scotland,
- National Day Nurseries Association,

- Scottish Childminding Association, and
- ASSIST FM Scotland (representing Local Authority catering leads).

Childcare services that provide food and/or drinks to children 0-5 years and are registered with the [Care Inspectorate](#), are responsible for the implementation of this guidance.

The guidance states that all childcare settings, meeting the above criteria, are required to follow correct food safety and hygiene practices, including the temperature control requirements set out in the 2006 regulations. It also refers to [NHS guidance](#) around the importance of safety and hygiene in preparing food for children, stating that “extra care is needed with babies and young children as they have a lower resistance to food poisoning”.

However, [Setting the Table](#) also recognises that food should not be served to children at the cooking and holding temperatures set out in legislation:

“It is important when you serve hot food that you follow the guidance from Food Standards Scotland to ensure food is heated to the correct temperature before serving. This is to avoid food poisoning. However, food should not be served to children at this temperature. Food should be left to cool a little in a safe area, away from children and should be tested by tasting, before serving.”

## School age children

The Scottish Government’s [health promotion guidance](#) for Local Authorities and schools sets out that all education authorities and managers of grant-aided schools are required to ensure that all food and drink provided in schools complies with nutritional requirements specified by Scottish Ministers in regulations. This includes following the correct food safety and hygiene practices, including complying with:

- temperature control requirements set out in the [2006 regulations](#) (detailed above), and
- the [Nutritional Requirements for Food and Drink in Schools \(Scotland\) Regulations 2020](#), which took effect from 8 April 2021.

In February 2021, the Scottish Government published [statutory guidance supporting the implementation of the Nutritional Requirements for Food and Drink in Schools \(Scotland\) Regulations 2020](#). This does not refer to temperature control requirements for serving food or liquids.

## Prevention of scalding incidents in children's settings

In September 2024, the Care Inspectorate issued a press release in relation to the [prevention of scalding incidents in children's settings](#), detailing a number of incidents involving children being scalded by hot soup.

The release refers to guidance of the management of mealtimes in childcare settings [Mealtimes Keeping children safe: supporting positive mealtime experiences in early learning and childcare \(ELC\) practice note](#). The practice note states that temperatures should be checked by staff and that "Although some foods are required to be cooked at a certain temperature, they must only be served to children when cooled and at an appropriate temperature."

[Setting the Table](#) states that all food handlers should be appropriately trained and have sufficient knowledge to prepare and supply food that is safe to eat. Individual childcare settings are responsible for risk management processes and procedures to support staff training and development.

It further refers to the guidance on [NHS Inform](#) website on managing of burns and scalds.

## UK-wide Campaigns in relation to hot liquids

[SafeTea](#) was a national campaign to raise awareness of the risk of hot drink burns to young children, giving practical tips on how to prevent them, and improve burn first aid. It does not seek to set maximum temperatures.

[National Burn Awareness Day](#), from the [Children's Burns Trust](#) and the [British Burn Association](#), states that 30 children a day are burned by hot drinks. The 2025 resources are due to contain a poster highlighting hot drinks as the main cause of burns.

The [Hot Water Burns Like Fire campaign](#), from the [Children's Burns Trust](#), aims to limit water temperatures in all homes to 48°C.

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3 June 2025

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at [spice@parliament.scot](mailto:spice@parliament.scot)

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