COMMUNITIES COMMITTEE

Wednesday 1 November 2006

Session 2

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COMMUNITIES COMMITTEE
28th Meeting 2006, Session 2

CONVENER

Karen Whitefield (Airdrie and Shotts) (Lab)

DEPUTY CONVENER

*Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

COMMITTEE MEMBERS

*Scott Barrie (Dunfermline West) (Lab)
*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)
*Christine Grahame (South of Scotland) (SNP)
*Patrick Harvie (Glasgow) (Green)
*John Home Robertson (East Lothian) (Lab)
*Tricia Marwick (Mid Scotland and Fife) (SNP)
*Dave Petrie (Highlands and Islands) (Con)

COMMITTEE SUBSTITUTES

Chris Ballance (South of Scotland) (Green)
Alex Johnstone (North East Scotland) (Con)
Christine May (Central Fife) (Lab)
Mike Rumbles (West Aberdeenshire and Kincardine) (LD)
Ms Sandra White (Glasgow) (SNP)

*attended

THE FOLLOWING GAVE EVIDENCE:

John Dickie (Child Poverty Action Group in Scotland)
Martyn Evans (Scottish Consumer Council)
James Ewens (Scottish School Board Association)
Judith Gillespie (Scottish Parent Teacher Council)
Wendy Halliday (Learning and Teaching Scotland)
Gillian Kynoch (Scottish Executive Health Department)
Marjory Robertson (Her Majesty's Inspectorate of Education)

CLERK TO THE COMMITTEE

Steve Farrell

SENIOR ASSISTANT CLERK

Katy Orr

ASSISTANT CLERK

Catherine Fergusson

LOCATION

Committee Room 1

Scottish Parliament

Communities Committee

Wednesday 1 November 2006

[THE OLDEST COMMITTEE MEMBER *opened the meeting at 09:33*]

Interests

Christine Grahame (Oldest Committee Member): Good morning. In chairing the meeting I have a sense of déjà vu, but I will not frighten the horses, because I will be here for only a nanosecond. I am not returning in the role of convener.

I welcome everyone to the 28th meeting in 2006 of the Communities Committee. I remind all those present that mobile phones and BlackBerrys should be turned off.

We have apologies from Karen Whitefield, who is unable to be here due to a family bereavement. In accordance with standing orders, as the oldest member of the committee—how that is choking in my throat—I will chair the meeting until the committee selects a deputy convener.

I welcome Jamie Stone MSP, who is a new member of the committee, and invite him to make a declaration of interests.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): My interests are recorded in the register of members' interests.

Christine Grahame: Thank you. I know that we will be kind to you at this, your inaugural meeting and debut with the committee.

I record the committee's thanks to Euan Robson, who was the deputy convener from 28 September 2005 until 11 October 2006.

Deputy Convener

09:34

Christine Grahame: Item 2 is the committee's choice of deputy convener. On 4 June 2003, the Parliament agreed to motion S2M-107, which stated that the deputy convener of the Communities Committee will be a member of the Scottish Liberal Democrats. I have to say that, as we have only one nomination, this is a blinding moment of realisation for us.

Mr Jamie Stone was chosen as deputy convener.

Christine Grahame: I congratulate Mr Stone on his appointment. Members will be pleased to learn that, as deputy convener, he will chair the remainder of the meeting.

Thank you, Jamie, and good luck.

The Deputy Convener (Mr Jamie Stone): Thank you for that tremendous vote of confidence. It goes to show that, in politics, every dog has its day.

Schools (Health Promotion and Nutrition) (Scotland) Bill: Stage 1

09:35

The Deputy Convener: Let us proceed to the work that lies before us. This morning, we will hear from two panels of witnesses. I welcome the first panel, which is Martyn Evans, from the Scottish Consumer Council; Judith Gillespie, from the Scottish Parent Teacher Council; James Ewens, from the Scottish School Board Association; and John Dickie, from the Child Poverty Action Group in Scotland.

We will go straight to questions. In my new role as deputy convener, I will kick off with the first two questions, which are of a general nature. Were you content with the Scottish Executive's consultation on the bill?

Martyn Evans (Scottish Consumer Council): We were content, particularly as we thought that it was important for children to be consulted.

Judith Gillespie (Scottish Parent Teacher Council): We share that view.

The Deputy Convener: I take it that the rest of the panel agree.

John Dickie (Child Poverty Action Group in Scotland): We were slightly disappointed that the Executive ruled out universal provision without consulting on it. Although it was referred to in the consultation, it was not put out to consultation. We have been involved in positive meetings with officials on proposals to extend entitlement but, again, we are disappointed that those proposals were not included in the consultation.

The Deputy Convener: James, do you wish to add anything?

James Ewens (Scottish School Board Association): We were happy with the consultation.

The Deputy Convener: Is there a need for legislation, given that the proposals reflect much of current policy and guidance, which stem from the hungry for success initiative?

Martyn Evans: We fully approve of having nutritional standards in schools. We proposed them in our 2001 report on school meals, and as a result of that report we held a conference, at which a wide range of stakeholders also endorsed the idea. Statutory backing achieves three objectives: it creates a clear and consistent framework; it places legal responsibilities on both caterers and educationists; and it is clear about what it covers in relation to food in schools.

Judith Gillespie: I endorse those views entirely, but it is also important that the bill guarantees funding. Local authorities should be congratulated because, in general, they comply with the current requirements, but if things are left as they are, local authorities will not have to guarantee providing the necessary money if there is a funding crisis.

James Ewens: I was also going to make that point.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Will the bill help local authorities to ensure that schools are health promoting? What benefits will that bring to children?

Judith Gillespie: We need to separate the passing of legislation that requires authorities to act from the expectation that the legislation will place on consumers pressure to comply. It is important that schools make a big effort to promote and provide healthy food, but we have to be cautious about creating a control regime that requires children to eat healthy food.

Most youngsters in primary school will comply quite happily, but youngsters in secondary school are beginning to establish their independence, and many of them choose to go out of school simply because, like many adults, they want a break from their workplace. Obviously, that applies only in urban situations. Youngsters' reasons for going out of school do not necessarily relate to school meals; they may involve other factors. For example, they might not like eating in a large dining hall and might want a bit of space and a bit of time to themselves with their friends.

We should be careful not to assume that when children go out of school they buy only chips. Many youngsters go out and buy perfectly healthy alternative food. A distinction should be drawn between placing a duty and a responsibility on local authorities, which falls within the Government's remit, and putting pressure on youngsters to comply. One must encourage rather than force youngsters to eat healthily.

Cathie Craigie: One of my colleagues will probably go into that in a bit more detail. Does anyone else wish to comment?

Martyn Evans: The bill is necessary but not sufficient for health improvement. It is necessary because the provision of school meals is a complex, almost industrial, process. Large suppliers are organised to supply products to a range of caterers. If nutritional standards are statutory, negotiations about who the suppliers should be will have a consistent framework. The bill is necessary and important because those negotiations are difficult for small or even big catering organisations to undertake, as suppliers are much larger than them.

I agree with Judith Gillespie that the bill is not the answer to everything, although it is a necessary step. The deputy convener asked whether standards should be in statute. They should be, because that would provide clarity to suppliers, which are increasingly important. Suppliers must undertake to provide nutritious food that meets health requirements on salt, fat and sugar content.

John Dickie: We very much welcome the acknowledgement that clear links exist between a healthy diet, well-being and attainment, which the bill recognises in the concept of health-promoting schools.

Cathie Craigie: Witnesses are saying that the bill will have benefits and that it is a step in the right direction. The bill will require local authorities, grant-aided schools and hostels to be health promoting. Should the Scottish Executive have included all schools, rather than just local authority-run and managed schools and grant-aided schools? Schools and nurseries in the independent sector are excluded from the bill's scope.

Martyn Evans: Our view is that the state should get its own house in order. It is important to deal with the issue through local authority schools initially, because it is complex. The idea of statutory nutritional requirements also needs to be tested.

After the bill has been working for a period, we would like an evaluation of what has happened and what the uptake has been. If good practice exists, there is no reason why independent schools, which are in a competitive environment, will not take it up. However, if necessary, an argument exists for the committee and the Parliament to consider imposing requirements on independent schools. At the moment, doing that is unnecessary. I hope that the evidence resulting from the bill will mean that independent schools take up the arrangement anyway.

Christine Grahame (South of Scotland) (SNP): I have a follow-up question to Martyn Evans about the complexity of supply and large suppliers. Will the bill have an incidental impact on the buying of fresh local food and produce? As an unintended or perhaps intended consequence, will the bill promote that?

09:45

Martyn Evans: That question is difficult to answer. The trend is towards economies of scale, but the desire is for more local provision. Procurement rules in the public sector are quite complex. I see nothing in the bill that rules out local supply—the issue is whether local suppliers can supply at the same levels and cost as national suppliers. The regulations on nutritional standards have not yet been published, but often what matters are not nutritional standards but the economies of scale that are required in order for people to compete. That is a difficult issue for local suppliers. On the other hand, there are issues to do with fresh fruit. Our berry industry, in particular, should benefit, and should be seen to benefit, from the new approach.

Judith Gillespie: A number of schools are in an environment where using local suppliers makes sense, and they already do so. The difficulty comes in large urban areas, where the suppliers are not so immediate. Many of the island authorities already use local suppliers. The bill will merely reinforce that practice.

Cathie Craigie: We encourage parents to become involved in the education of their child and the life of the school. How can we best involve parents in fulfilling the duty that the bill places on local authorities?

Judith Gillespie: It is important to recognise that what someone eats is a personal matter—a matter of choice. We cannot ignore the fact that, as they grow up, many youngsters develop likes and dislikes that can be hard to cater for. On the whole, parents never wish harm to their children, but sometimes they come to the conclusion that it is better for a child to eat something rather than nothing. Generally, parents are signed up to the healthy nutrition agenda and will be grateful to know that schools are providing good food.

When we carried out a survey three or four years ago, many people gave as a reason for their children not eating school meals the quality of the food that was offered. When we asked people what was the most important issue for them in respect of school meals, the consistent response in all our questionnaires and surveys was that the quality of food rather than cost determined whether their child ate at school and whether they supported their child eating at school. If the quality of food is improved and parents can see that, parents will be keen to support what is happening at school, but that still does not mean that every child will eat there.

James Ewens: We tend to underestimate what parents are doing at home. In my area, if we get nutritious foods to children at a young age, they tend to require it from their parents. We are on the right lines. If we get to children young enough—at nursery or pre-nursery—we will get there.

Dave Petrie (Highlands and Islands) (Con): The Executive has set the target that every school should become health promoting by 2007. It does not say when in 2007—I imagine around May. How realistic is that target?

Judith Gillespie: Many schools have made a lot of progress towards meeting it. The information that we receive suggests that many schools are moving actively in that direction. Of course, health promotion does not mean just food. It also means promoting activities, walk to school days, safe bike routes and so on. If we put in place a benchmark that defines what a health-promoting school is, I am not sure that schools will have ticked all the boxes by early summer 2007, but there is no doubt that all schools are working in that direction and will be pleased to carry on doing so. However, schools need support from local authorities and central Government in what they try to achieve.

Patrick Harvie (Glasgow) (Green): I want to pick up on the question of involving parents and on Judith Gillespie's comments about the different reasons why pupils choose not to take school dinners. One point that some members picked up from a visit to a school yesterday was that some of the young people—and in some cases their parents, too—do not know what is on offer. As such, those young people choose not to take school lunches or their parents ask their kids to come home for lunch. Should we be trying to encourage schools to bring in parents physically and run taster sessions with them so that perceptions can be changed? If the food is changing but the perception is not, the behaviour might not change.

Judith Gillespie: That is a good idea, and it is an activity that the new parent councils could get involved in. I know that some schools publish their menus, which are taken home so that parents can see what their children are being offered. Taster sessions and parents being able to see the quality of the food would be an extremely good way forward. In primary schools, there is a win-win situation anyway; the difficulty remains in secondary schools. As I said at the start, many of the reasons why children choose to go out of school at lunchtime are to do with their growing-up phase and their need to escape the school environment for half an hour. However, taster sessions are a good idea.

Martyn Evans: I said that the bill's approach is necessary but not sufficient because the question of why children are or are not eating in the dining room is complicated. Our research from 2001 found that the factors, some of which Judith Gillespie has mentioned, include choice of and information on what is available; the quality of the food; the appearance of the dining room; time constraints, especially when having to queue for a long time; and peer pressure—what other children are doing.

The situation changes with age. Interestingly, younger children in primary schools were less willing to go to the dining room for a variety of reasons, including because they saw it as a hostile environment. Other factors included access to alternatives—as Judith Gillespie referred to—and cost. When we did our research, a school meal cost about £1.35, but it was still considered to be an issue.

To deal with the problems, action is needed on more than nutritional standards and information, although such action is required. Parents are clearly important, but children are more important. Taster sessions, information, the quality of food and the eating experience are important for us all when we make decisions about what to eat, and we should not forget that, particularly as secondary school children have choices in what to do. If the school meal is not a reasonable choice and the children have an alternative, why should they not choose the alternative? As was said, some of them are making reasonable and sensible choices, although we have something else to say later on about our research on eating out of schools.

John Dickie: I want to add something about cost on the question of why children are not eating meals in schools. The Scottish Executive's baseline survey on the hungry for success programme found that cost was a key reason for not taking a school meal for 21 per cent of primary school children and a third of secondary school children. We must bear it in mind that cost is a significant factor. The affordability of school meals, compared with what a similar amount of money can buy outside the school, was a key issue, so addressing cost and affordability needs to be central to encouraging take-up of school meals.

Tricia Marwick (Mid Scotland and Fife) (SNP): In answer to the committee, the witnesses agreed that there are benefits in putting the nutritional standards on a statutory basis. One reason that Martyn Evans gave was that it will enable local authorities who are buying in sizeable quantities to put pressure on the suppliers to ensure that the supplies are right. How will that work?

Martyn Evans: I did not mean that individual authorities will be able to apply pressure; I meant that pressure will exist for suppliers to know the supply standards. The standards will be consistent for all suppliers, rather than being a result of negotiations with individual suppliers or with a group of a particular type of catering supplier. All suppliers will have to supply on the basis of the set nutritional standards. The competition will then be on price, the quality of the food and the level of service. That will remove individual negotiating, which will be an advantage for the receivers of the supply. The suppliers will have a statutory baseline from which to operate and will therefore compete on other issues.

One issue about mass catering supply is that cheaper products can be supplied by including less nutritional ingredients. For example, more fat or salt can be put into products to make them tastier. With the nutritional standards, some of that will disappear. The bill will help negotiations, because they will be based no longer on nutritional issues but on issues such as quality and cost. I hope that the bill will take work out of the procurement business.

Tricia Marwick: Nutritional standards already exist, albeit not statutory ones. Will you explain a bit more about the benefits that will arise from having a statutory requirement rather than the existing system?

Martyn Evans: A statutory system will have two benefits. First, all suppliers will know what the legal requirements are on what they supply. If they supply products that do not meet the legal requirements, that will be an offence, which must be enforced. Secondly, all those who purchase will know what the nutritional standards are, so they will not have to put in additional effort on the nutritional standards—they will ask their suppliers to supply to the legal standards. That means that they will be able to concentrate on some of the other factors that we, Judith Gillespie and others say are important, such as the quality of the food, local supply and the timescales for supply. All those matters are equally interesting. I do not want to overemphasise the effects of the bill, but it is necessary. It will not change everything, but it will change some things significantly.

Tricia Marwick: In talking about nutritional standards, the size of portions that children get has been pointed out to me many times. For example, many children in primary 1 get the same amount of food on their plates as those who are in primary 7. Is there an issue about how much food children should get? Should there be standards for how much food children in the different age groups need?

Judith Gillespie: The recommendations in "Hungry for Success: A Whole School Approach to School Meals in Scotland" take into account the fact that children need different amounts of food as they grow. That should be part of the provision in schools that follows the report's proposals. Obviously, the issue depends on age and stage—smaller children need less food than larger children need, but there are many other relevant factors, one of which is to do with size and the stage of growth. Sometimes, a small child can be on the point of growing. Anyone who has children will know that they do not grow neatly upward—they tend first to grow outward and then convert the outward growth into upward growth. In making judgments about children, we must remember that their body shape changes in that way over time. We should not always identify as overweight kids who are carrying a little bit more weight; we should acknowledge that they may be in a growing phase and are storing up for the push that will take them up into the air.

The relationship between how much kids eat and the stage that they are at in their growth is significant. Anyone who has had teenage boys will know that they can eat a full-blown meal every hour on the hour without any bother. We need sensible measures, but it is important to give kids the amount of food that they need. If children are put in a formal eating situation, they stop when they have had enough. The risk comes when they start snacking. It is much harder to overfeed children at school with formal lunches. We must provide older children with enough food.

10:00

Martyn Evans: In the catering environment, portion control is critical, as you have indicated, but the whole-school approach of supervision, teachers eating with the children, and the social aspects of eating are often missing from the school dining environment. It was driven out by the old school meals system, which was separated from education. Educationists took very little notice of the provision of school meals; it was a commercial catering contract arrangement. Teachers started to leave the school dining room. The idea of school meals provision as a responsibility grew less; it became just a food service—and not the other things we are talking about.

Although it would be difficult to be strict on portion control, the idea behind it is the supervision that is required in such environments. More supervision is required, although that is not about telling people what to do; it is about showing by demonstration all the whole-school approaches that are endemic to the policy and are difficult to put into practice.

From the consumer world, we know about what we call the value action gap. People know what they should eat, but they do not eat it. They know what they should buy, but they do not buy it. They indicate that they are going to buy green goods, but they do not do it. It is particularly important to address the value action gap in children, because if they have the values—our information is that they do tend to know what it is good for them to eat and what they like to eat—they should be encouraged to take action to follow those values. That is not to say that they should be forced to eat everything that is just nutritious. The bill recognises that by excluding certain things. It is extremely valuable for people to grow up knowing that eating is not just about nutrition, but is about social and cultural issues. If we could get some of

that back into school dining rooms, it would be very important. Again it goes back to the "necessary but not sufficient" mantra.

The whole-school approach is the right one to bridge the value action gap. There seems to be some investment in socialising children and showing them how to eat, which we have missed in the catering approach that we have taken for the past few years.

Tricia Marwick: Those of us who visited Drumchapel high school yesterday were quite surprised that the catering is done centrally. Although we all welcomed the fact that the teachers supervise at lunch time and have their lunches with their pupils, the school does not control and has no input into the catering because it is done centrally by a different department. That seems to fly in the face of some of the things that you have been suggesting should happen.

Judith Gillespie: Different authorities and schools take different approaches. A lot of schools have kitchens and provide food. One authority—it could be Clackmannanshire—took the decision to prepare its food centrally because it could then guarantee the food's quality and safety. It went to very high-tech central provision so that it could provide quality food for schools.

There is huge variation in the provision of school meals throughout Scotland and it would be difficult to say whether what members saw yesterday happens widely. Several schools lost their kitchens under the compulsory competitive tendering system. They would have to undergo a major rebuild programme if they wanted to reinstate them. Authorities try to address the issues in different ways. In a way, it is all part of what Martyn Evans was saying; the issue is complex and the existence, or non-existence, of kitchens in schools is one of the factors that have to be borne in mind.

Martyn Evans: The disconnection between educationists and catering has been a major failure in school meals provision for a long time. The purpose of the current policy is to try to restore that connection. There are tensions, because there are different imperatives in what educationists have time to do and what they have investment for and what the school meals service is paid to do. We have to acknowledge those different imperatives honestly and clearly.

The question is who is ultimately in charge. We would say that the school is in charge and that the provision of this service, like any other service in schools, must conform to the educationists' priorities, not the service providers' priorities. We are getting there, but we are not quite there yet. The bill makes it clear that the education authority is responsible and that if things are not working well, that is where the matter will be taken up.

Tricia Marwick: Can raised nutritional standards go hand in hand with increased uptake? The hungry for success scheme has not shown an increase in children taking school meals, even among those who are entitled to free school meals. In secondary schools in particular, we are experiencing a general drop in uptake of school meals. Do you think that raised nutritional standards will increase uptake, or will the majority of children continue to vote with their feet and go outwith school?

Judith Gillespie: You have to take careful note of the messages in the survey. The young people said that they support the idea of healthy food. As Martyn Evans said, they know what healthy food is—but they absolutely do not want a ban on chips and pizzas. As someone who has stood in Glasgow station and, heaven forfend, had a hamburger, chips and a coke—and been very grateful for it—I think that you have to acknowledge the old adages, a little of what you fancy does you good and moderation in all things.

John Home Robertson (East Lothian) (Lab): Can we put that in the report, please?

Judith Gillespie: We have to be careful about saying to youngsters, "Don't do what I do; do what I tell you to do." It is important that we remember that the trick with promoting healthy eating is persuading people to make choices; it is not about having a draconian system whereby children can have a glass of water and piece of dry bread. Children are very savvy consumers and have strong preferences. There are other imperatives that will persuade them to eat healthily.

The message that sports people are diet conscious and careful to eat the right things because that will keep them fit and healthy for playing their sport is a good message to give youngsters. The trick is absolutely not to force healthy eating on them—all that will happen is that once they are away from those constraints they will break out and do completely the opposite. It is absolutely about persuading them of the right options. You have to offer them some of the things that are naughty but nice, too.

John Dickie: The ambition and rigour of the bill and the strategy to improve the nutritional standard of school meals have to be matched by an equivalent ambition and rigour in promoting take-up. Our point is that the evidence suggests that to effect the dramatic increases in take-up that the Executive is looking for, you have to consider providing free school meals for all.

Christine Grahame: All these duties are being placed on local authorities. Should there be a penalty for breaching them? If the local authority

breaches its duties, how is the matter resolved? Does somebody take the council to court? Should there be something in the bill to say that any local authority that fails in its duties shall be liable to a fine, for example? Do we need such a provision?

Judith Gillespie: What is the normal practice when a local authority fails in one of the many duties that are placed on it? Nowadays, the scope of the inspections that are undertaken by Her Majesty's Inspectorate of Education covers all the local authority's relevant duties and obligations. HMIE sees at school level whether they are being fulfilled, and it carries on its inspections at the local authority level. It is like a police force that goes in and checks things. In general, when HMIE comes up with a highly critical report, the school or authority amends its behaviour quite dramatically to bring it into line with the inspectorate's recommendations. I am not sure that penalties or fines are normally imposed on local authorities. The public criticism that can follow an HMIE report is presently sufficient to make local authorities pull themselves back into proper practice.

Martyn Evans: We raised that question ourselves when we were reading the bill, and we thought about it in terms of suppliers. If a supplier does not supply goods that are required under statute—nutritional standards in this case—the recipient might not know that. The process is complex. There might be some investigation by Food Standards Agency Scotland or the trading standards department. We were wondering what the obligation might be on the supplier and what the penalties would be if it did not supply them. There are penalties for falsely declaring food. I do not know what the penalties should be. I would be interested to know what penalties are imposed on a supplier that does not supply food of the statutory standard to a school that, in good faith, contracted for it.

John Home Robertson: I am thinking that we might apply that sort of sanction to Sodexho—but maybe not.

The Deputy Convener: Do not go there.

John Home Robertson: We have been concentrating on what is provided by the local authority and the school, but not everything that is consumed by pupils in or around schools is provided by the local authority or the school. Do you think that any additional action is required to ensure that children who take packed lunches into school receive nutritious food? I do not know how that would be done, but our intention is to ensure that kids get a good meal. If mother—or whoever—is sending her child to school with a packed lunch consisting of a packet of crisps, a chocolate biscuit and a fizzy drink, what can we do about that? Probably nothing.

Judith Gillespie: Yes, probably nothing. We have to be very careful about taking the law into people's homes. I notice that it is the mother's fault, as usual: it is about her providing the crisps, the chocolate biscuit and the fizzy drink.

John Home Robertson: That would probably be the father, actually—but please go on.

Judith Gillespie: I notice that the bill excludes that area. That is quite right. The environment within the school is important in persuading people to eat healthily. Also, peer pressure and the growing awareness of quality food are leading to an important change in attitude. We cannot now go round a supermarket without seeing products that are highlighted as containing five fruits and so on. There are healthy eating incentives everywhere. We have to depend on parents' good sense. Sorry.

Martyn Evans: I agree that packed lunches should be excluded from the scope of the bill, for practical reasons. The state really cannot start to interfere there. On the other hand, the bill provides a power for a local authority to offer additional fruit and water. Those are good ideas, particularly in the case of drinking water, which is a critical but overlooked matter in schools. It would be a step too far to cover packed lunches. Such provisions would not be enforceable, and it would bring the whole purpose of the bill into disrepute. It is right that that is not included.

10:15

John Home Robertson: That is helpful. I think we will resist the temptation to legislate there. Your answers were straightforward.

I will move on to slightly more complicated territory—what children are accessing outside school. Judith Gillespie has already discussed this.

Is there any case for legislation, regulation or licensing to try to control the type of food that is available, or at least to ensure that quality food is available in retail outlets that are within walking distance of schools?

James Ewens: At one of the meetings the Scottish Executive held, it was suggested that councils should develop a kite mark to help food vans outside schools produce healthier food. That is the line that we must follow.

Judith Gillespie: Recently, *The Times Educational Supplement* reported that a young boy suddenly showed enthusiasm for cycling to school. His mother was puzzled, because he had never before shown any desire for fitness. The young lad explained that if he cycled to school, at lunch time he could cycle to the chip shop, pick up some chips and get back, whereas if he walked he

could not make it in the time available. He told his mother that this was healthy eating, because he was doing exercise.

There is a problem controlling what is local. Rural schools have a more or less captive audience, so take-up of school meals in rural areas is high. Local food provision often goes hand in hand with that. The urban situation is more of a problem. Even if we control the vans, there is often a vast array of small shops not very far away, which we cannot control. Fife Council tried to provide a healthy vans service, so that kids had the opportunity to escape the school and go to a van that provided healthy food. That is a really good idea that should be encouraged. Such positive measures are better than a negative approach. We are trying to persuade people to internalise the habit rather than to impose a police regime on them.

Martyn Evans: The lack of take-up of school meals, especially in secondary schools, where children obtain their food outside is an issue of significant concern for the Scottish Consumer Council and for the Child Poverty Action Group in Scotland. We have just started a research programme into the issue, looking at what is happening in Fife, Inverclyde and Stirling. I do not think that there are any easy answers, but we need to find out more about why children are doing it, what the options are and what they are eating.

There are two issues to investigate. First, are children being pushed out of school? As Patrick Harvie said, can we do more to promote eating in school? Secondly, there are pull factors. What are the children eating? Is it all unhealthy? Are they making a range of sensible consumer choices? We should encourage them to do that, because they will face such choices as they grow older. We should not discourage them from making choices, but we need to know whether those choices are limited in some ways and whether we can promote healthy eating.

It will take about a year for us to complete our report, because we want to do some work with local communities that are trying to make progress and with communities where there is a problem to which people cannot see a solution. We are highlighting the issue because take-up of school meals appears to decline in secondary schools. We need a lot more information, rather than anecdote, about what children are eating and their reasons for not eating in school. Without that information, policy prescriptions could be inappropriate. There is evidence that people want more draconian and prohibitive measures, which may be entirely wrong, because part of education is learning, being given choices and making choices in the knowledge of what one is doing.

In addition, as Judith Gillespie said, the bill is not simply about asking children to eat nutritious food but about requiring schools to provide such food and to ensure that children understand the choices. When children choose not to eat a nutritious meal, they should do so with full knowledge. The appalling situation in the past was that people thought they were eating good food in school but the food contained too much sugar, or salt, or fat. We need standards to deal with that. The issue is far more complex than is suggested by those who promote a prohibitive approach.

We will report on our research in about a year's time, but that idea already has a lot of support.

The Deputy Convener: I will allow Dave Petrie to ask a quick supplementary on this topic before he moves us on to the next question.

Dave Petrie: I want to pick up on what Judith Gillespie said about rural schools. I am sure she is right about fairly remote schools, but I taught in Oban high school and Lochaber high school—

Judith Gillespie: I know Oban very well. Oban High School is just across the road from Tesco and people need to avoid the store at 1 o'clock when all the youngsters are there. When I have stood in Tesco's at that time and watched what the youngsters bought, I have been impressed by what they chose—

Dave Petrie: That is a good point.

Judith Gillespie: On the whole, what they bought was fine. They did not buy rubbish.

The Deputy Convener: With all due respect, I am anxious that our evidence-taking session should not simply be a conversation.

Dave Petrie: That was not the thrust of what I was trying to do.

I have another quick supplementary. From a teaching perspective, if schools offered lunch-time activities such as sports, would they give kids an incentive to stay within the school boundaries to take advantage of what was on offer?

Judith Gillespie: I think so. One fantastic school in Glasgow—I cannot remember which one—offers bonus points to youngsters who choose healthy food. Once they have accumulated bonus points, they can end up getting a prize. One youngster has already been given an iPod and is now heading for some kind of Sony games set that I do not understand. Incentives clearly work with youngsters—there is no doubt about that. It would be good if, for example, schools ran lunch-time clubs for which youngsters could pick up a packed lunch and eat it in the club environment. Schools can do many things to encourage youngsters to stay in by making it fun for them to do so.

Martyn Evans: We have heard—although we cannot easily put our finger on this—that there can be an issue in public-private partnership schools. Whereas previously children could take their lunch with them into the classroom for a lunch-time club, contractual conditions that forbid food in classrooms mean they cannot do that. What Judith Gillespie suggested is a good idea and already happens in some schools, but I worry that it might be pushed out by some of the new contractual arrangements whereby the owners of the school forbid food being taken into the classroom because they are responsible for clearing up the mess. The committee might want to pursue that issue elsewhere. We have only anecdotal evidence and have carried out no research on the issue, but such contractual arrangements could drive children out of the classrooms.

One reason why children do not take up school lunches is that they do not want to spend 20 minutes or half an hour of their lunch hour waiting in a queue.

Dave Petrie: My next question is on snacks. The bill offers local authorities fairly wide-ranging powers on the provision of breakfasts and snacks, possibly for all pupils. What benefits will those powers bring to children?

Judith Gillespie: The provision of fruit in schools has been fantastic and the kids really like it. Many youngsters have tasted fruits that they would not have tried at home—they have moved beyond the conventional bananas and apples into new and interesting fruits. That encourages youngsters to think about those options. The proposed powers obviously provide authorities with a good opportunity to offer young people healthy foods and to encourage them to eat them. The provision of fruit in schools, along with the provision of water, is an aspect of the food package that has been really successful.

James Ewens: We did a survey in our area—I am from Angus—where we have had breakfast clubs for quite a while now. We have found that attainment levels, especially in the morning after the kids have had a breakfast, have improved immensely. Introducing breakfast clubs into every school would be one of the best things that could happen.

The Deputy Convener: You make a fair point. This morning, for example, I had a good breakfast because I knew that I had to convene this meeting. It has certainly helped me.

Martyn Evans: It is important that schools have the power. The difficulty lies in the whole-school approach. Because vending machines that dispense unhealthy food have created a lot of income for schools, there is resistance to the proposal that they should be removed. If the machines are taken out—as they should be—schools must be properly funded. Any whole-school approach should address the funding needed to exercise these powers and the funding gaps that might emerge if we remove schools' powers to raise funds for additional activities through vending machines.

This is a financial issue. The power is important because it can be used to supplement a range of activities such as the provision of packed lunches. It is particularly important with regard to schools' duty to provide water. The question is whether schools can afford to exercise the power and whether they are able to meet the funding gap that might emerge when their vending machines are withdrawn. As I have pointed out, I am not suggesting that vending machines should not be withdrawn; we simply need to consider the funding issues. On the other side of the equation, the additional income from vending machines funds many sporting activities in schools, and we feel that such activities should be funded centrally.

Dave Petrie: What practical or financial difficulties might local authorities face in making full use of this power? Might they need additional staff to provide breakfast? Might they be required to meet storage costs?

Martyn Evans: Practical difficulties always arise. About five years ago, our community diet project produced a breakfast toolkit that gave schools practical advice on how to secure support and resources, meet food safety standards and ensure that service providers are covered by the disclosure requirements. That toolkit is now being used in England to ensure that schools do not try to reinvent the wheel on this matter. After all, every situation will throw up obstacles, but we feel that they are not insurmountable.

Judith Gillespie: Bearing in mind the volume of fruit needed for a primary school of 600 pupils or for a secondary school of 1,000 or more pupils, the problems of storing it to ensure that it does not go off and then the problems of distributing it, we should acknowledge that what seems like a very good idea on paper poses serious practical problems for schools.

Scott Barrie (Dunfermline West) (Lab): How can we encourage an increase in the uptake of school lunches? The witnesses have already given many reasons for the decline in that figure, but what are the main reasons why, even with the hungry for success initiative, uptake has not increased as some people might have thought it would?

Judith Gillespie: Although uptake has increased slightly in primary schools, it has dropped in secondary schools. When the current generation of secondary school pupils went

through the primary sector, there was not a lot of nutrition education around. Indeed, they suffered from the situation under compulsory competitive tendering in which the cheapest and most cost-effective lunch that a school could provide was a Mars bar and a packet of crisps. In that respect, many secondary school pupils have suffered from an information drag.

Moreover, youngsters at that age are asserting their independence, which is why we need more imaginative ways of persuading them to think about eating healthily. It is like the smoking ban: there is an attitudinal change, but it does not happen quickly and it has to be worked at. By considering the effectiveness of hungry for success now, we are prejudging it. We have clearly identified issues with the older kids, but the primary kids are really starting to buy into the initiative and are taking the message home to their parents. I have had parents on the phone complaining that their youngsters have come home, read the box and said, "I'm not eating that." That kind of educational thing is starting to happen. We should not judge hungry for success too quickly.

10:30

John Dickie: It is useful to consider the example of Hull, which started off with a similar approach to hungry for success. The council improved the nutritional standards of school meals and, similarly, saw a slight fall in take-up. The council followed that up by providing free school meals to all primary school children. That is when the council saw a real boost to take-up, from 36 per cent take-up after nutritional standards were improved to 64 per cent take-up. Although the current approach, which is to improve nutritional standards, is welcome, there is not enough in it to bring about a big shift in take-up. Hull is an example, but we can also look abroad. In Finland and Sweden, where school meals are provided free to all pupils, take-up is 85 to 90 per cent.

Martyn Evans: When we did our research in 2001, there was an existing problem of a long-term decline in take-up of school meals. The Hull project is fascinating, but it will not be evaluated for another two or three years and we must be careful what evidence we take from that example. As far as the Scottish Consumer Council is concerned, the point of the bill is not to increase take-up. That might be what people are saying but, as far as we can see, the purpose of the bill is to meet the required nutritional standards, which consumers of school meals cannot know. They do not know the salt, fat or sugar content of school meals. As a result of the bill, they can be assured that the meals meet those standards. That is necessary.

I seriously doubt whether the bill will halt the decline in the take-up of school meals in secondary schools. We have discussed a range of other reasons why children choose not to eat in school. As we all know, one of those reasons may be the quality of the food, which is distinct from its nutritional standard. I heard from the director of the Food Standards Agency about an interesting programme in Aberdeen. The FSA is working with Aberdeen Football Club to encourage children to eat healthily and to learn about nutrition. That is what we call social marketing. Children are affected by a huge range of advertising. That is why we support the banning of junk food advertising before the 9 o'clock threshold. There is little countervailing balance to encourage children to eat healthily in school.

The initiatives that the FSA is undertaking—such as the social marketing approach, which encourages children to associate eating well and eating in a positive environment with some of their role models—are critical, although they will not make all the difference. We have not yet got the balance right between the countervailing advertising pressure on children and what we are offering them. If we can get what we are offering them right—by improving the nutritional standards of food, in which the bill will be an important step—we then have to invest in the promotion of that option, for example by linking it with people whom children recognise as being important in their lives. We have mentioned teachers and parents, but there are also children's heroes.

Investment in social marketing is a complicated area for Governments to get involved in, although Health Scotland does that. However, we might want to focus on that to tackle your question about take-up. That was a long way of saying that the bill will not deal with take-up, although that is not a failure of the bill or of the proposals. There are other failures, and there are other areas that we should invest in to maximise take-up.

Cost was an issue in 2001, and it is probably an issue now. It would be possible to consider what John Dickie proposes for piloting. If free school meals were piloted in a variety of environments in Scotland, we would be interested to know whether the hypothesis worked.

Scott Barrie: That might be worth considering, given the superficial evidence that Tricia Marwick and I received from a group of youngsters in a Glasgow school, who said that it did not matter what we did, they would not have school lunches. That was at a school with the highest proportion of free school meals in Scotland. The kids said that they were not interested and that they wanted to go out of school. We were keen to know why they were not eating in school, and they said that they just did not want to. The issue is a lot more

complex than is suggested by the approach that some people think we need to take.

I am interested in being innovative and coming up with different ideas. Judith Gillespie mentioned imaginative ideas in her answer to my last question. I thought that what was being done in Glasgow sounded good, with pupils getting extra points on a card towards getting an iPod, but the response from one youngster who did not take school lunches was, "What's the point? I've already got an iPod." We have to be a bit more innovative, continually update our schemes and listen to what young people want. Is that what you see as the extra part of our approach? It is not that one size fits all and that, having done one thing, that is it for ever and a day. Our approaches need to be continually updated. Do we also have to accept that, no matter what happens, not every child will take a school lunch?

Judith Gillespie: Both those points are true. Schools know their pupils well, and they can understand what they might respond to when they are providing incentives to eat healthily. However, freedom of choice is important. There are some schools in Glasgow where the free school meal entitlement is almost 100 per cent, and yet youngsters still opt not to eat in school. It really does not matter what the schools provide, because the issue is one of freedom.

Every person in this room likes to have some say over what and when they eat. We can go to an expensive restaurant and find nothing on the menu that we want to eat, simply because the menu offers a certain range of food and our choice is something else. Those factors apply to youngsters as well, and we have to listen consciously to them about the foods that they want. Those foods will change, partly according to fashion. They might want wraps for a spell, because they are fashionable, and then they might want some kind of rolls or sandwiches. We have to listen to what they are saying on both the food and the rewards if we want the uptake.

John Dickie: We agree with that completely. The important point is that the universal approach to providing free school meals complements the innovative work with pupils and parents to find out what would make school meals attractive.

An important weapon in the armoury when making school meals more attractive is to consider making them free. We have a particular concern about how the bill is drafted in that it looks to re-enact the bar on local authorities deciding whether to charge for school lunches. It will allow local authorities to be flexible about charging for snacks and breakfasts, but it will specifically exclude food at lunch time. That would be an unnecessary barrier to local authorities that might want to innovate or explore providing school meals or food at lunch time for free. It is interesting that the bill runs counter to what is happening in England, where the current Education and Inspections Bill proposes to give local authorities the power to provide food at lunch time for free if they so wish.

Martyn Evans: The decline in the take-up of school meals is of interest only if the alternatives that are being eaten are damaging children in some way. There is no clear evidence that that is the case, which is why we are doing our research. It is important to understand children's nutritional uptake and the choices that they are making.

We should set the debate in a social context. Judith Gillespie mentioned snacking. Many of us do not have formal meals at lunch time but just sit out and have something to eat. That is a problem for the caterers, and low take-up of school meals is a problem for school meal providers and their income streams. Is it a problem for the children? Is it a social problem? Anecdotal evidence suggests that it is, but I think that we need firmer evidence to work out how to intervene. A policy solution to maximise the take-up of school meals to as near to 100 per cent as possible might be completely unachievable because of people's aspirations and how they wish to eat. The objective should be to maximise not the uptake of school meals, but the number of people who are eating healthily. We have an evidence gap in that regard.

The Deputy Convener: Time is not on our side. If we could have briefer questions and answers, that would be helpful.

Members will be glad to know that the clerk has explained to me what a wrap is.

Christine Grahame: The CPAG submission says:

"18% of school children are entitled to free school meals and only 13% receive one".

That means that nearly 39,000 children are not getting the free meal that they are entitled to. Why might that be?

John Dickie: There is a range of reasons, some of which we have covered. There is also an issue about the stigma that is associated with taking up free school meal entitlement. We know about that from research that was done a few years ago by the Department for Education and Skills in England. Evidence from organisations that we work with has contributed to our knowledge. One Plus conducted a series of focus groups as part of the consultation process on school meals, which showed that, for parents, stigma was still a significant issue.

The other big part of the problem with the targeted, means-tested approach is that there are another 38,000 children who are officially recognised as living in poverty but who are not

entitled to a free school meal. We must identify the barriers to take-up in relation to those children who are currently entitled and consider the issue of the narrow means test.

Christine Grahame: You said that the parents feel stigmatised. What about the children?

John Dickie: Again, we have no research evidence for the period since the introduction of the hungry for success campaign. However, I think that the HMIE report indicated that children were still aware of who got free school meals; the report also picked up examples of children having to identify themselves in class if they were in receipt of free school meals, having to stand in separate queues and getting separate tickets. That range of bad practice was found in a sample of 33 schools.

From wider research among young people, we know that being seen to come from a low income family has a damaging effect on young people's self-confidence and self-esteem and that receiving free school meals is one of the ways in which somebody can be so identified at school.

Christine Grahame: I note that anonymised systems are in place. Your submission says that

"71% of secondary schools already have some kind of anonymised system"

but that that does not appear to be having an impact on the take-up rate.

No one wants anyone to be stigmatised. Given the framework of the bill, which will not result in the universal provision of free school meals, what practical solutions are there by which we can ensure that we end up with an anonymised system with which parents and pupils are comfortable? The cashless card does not seem to work because, as your submission says, pupils could tell who got free school meals as those children always had the same amount on their card.

John Dickie: There is no doubt that the anonymised systems that have been used have a role to play in reducing the most extreme examples of children who are in receipt of free school meals being identified. However, we will never overcome the fact that some kids who come from low-income families are being means tested to receive a benefit during the school day. Even with the anonymised system, that is still the case and children still report that they—

Christine Grahame: I accept that premise, but I want to ask where best practice can be found. Your submission refers to

"some kind of anonymised system".

Where have you seen best practice in anonymised systems?

John Dickie: I do not have specific evidence on best practice. However, there are statistics. For example, Falkirk Council has seen a significant increase in uptake over the same period as the introduction of an anonymised system. However, I do not know enough about it, or about whether we can draw much from it.

10:45

Christine Grahame: I can feel ripples in the room as colleagues seek to ask questions.

The Deputy Convener: You may ask a final question and then I will take two supplementaries.

Christine Grahame: The bill includes the lines:

"An education authority must take reasonable steps to ensure that the pupil cannot be identified"

and

"must take reasonable steps to ensure that none of the persons mentioned … discloses to any person".

Is there any point in the bill saying that? Will those lines make any difference?

John Dickie: I think that they will get rid of the extreme situations in which pupils have to put up their hands to say that they are getting a free school meal, or have to go in a separate queue or get a separate ticket.

Christine Grahame: I wanted that to go on the record.

Judith Gillespie: I agree with John Dickie. The importance of those provisions is that they will remove the extreme examples, in which, for example, people were given different coloured tickets. I totally support the provisions. The stigma cannot be removed entirely, but a lot can be done to reduce it and make it less obvious. Kids know which kids are on free school meals—they do not need a card to find that out, they just know it. However, we can get away from the public shaming.

Tricia Marwick: John Dickie seemed to suggest that, if there were free school meals for all, uptake would increase. Martyn Evans has said repeatedly that that is not what the bill is about. The bill is about the nutritional aspects of food, and we may or may not see an increase in uptake.

Yesterday, on a visit, we heard evidence on breakfast clubs at which a free breakfast is available to all. We were told that only a very small proportion of children actually took advantage of the free breakfast. Where is your evidence that the uptake of free school meals would be at a level that you would find acceptable?

John Dickie: There is a difference between the two cases. Only some kids will want to go to school before the school day starts, whereas there

is a culture—albeit limited—of children being in or around school at lunch time.

Our evidence comes from other places where similar things have been tried. Up until recently, we had to look abroad—to Finland or Sweden, for example. Those countries take a universal approach to providing free school meals and have a take-up of 85 or 90 per cent. You could say that those are different cultures and different environments, in which there are different expectations of what happens during the school day, and I would accept that. However, we now have an example much closer to home. Hull used to have uptake levels at the lower end of the levels in Scotland, but Hull has taken a universal approach. I have not seen the full evaluation, but the University of Hull is on record as saying that the initial evidence is that there has been a substantial increase in uptake as a result of the universal approach having been taken.

In Scotland, we have had a positive but limited strategy and have not seen a significant shift in uptake, so it seems to me that we should at least ask why we are not taking away the barrier of charging for school meals. We have evidence of places where a universal approach has been taken and where that has had a substantial impact on uptake.

Martyn Evans: We agree that the stigma proposals are very important and that they should remain in the bill.

On a more technical point—I know that we have a lawyer here—the range of authorised people to whom it can be disclosed that a child receives free school meals is very narrow. The committee might want to look into that, because there may be other people to whom the information would be important. At the moment, it is just a parent or somebody within the school. We are doing some work on joint inspections and we feel that the committee might want to look into the issue.

Judith Gillespie: We have to look at the schools that offer free school meals to a very high percentage of their pupils and consider the uptake there.

It is important to bear in mind that a person can much more easily disregard something that does not cost money. If meals are free, there is nothing to stop youngsters persuading their parents that the food that is provided at school is not what they want to eat and to give them money instead. Parents would not lose anything. If all school meals are provided free, not everyone eats them.

Dave Petrie: I want to say something brief about the stigma problem. I have witnessed the card system in operation. I think that there was talk of a palm method on "Reporting Scotland" the other night, although the technology that is involved is expensive. I will say to the Executive that it is important to invest in every barrier against the stigma that we are talking about. If it is available, the technology that I mentioned would certainly help. However, I agree with Judith Gillespie. Stigma will not be completely eliminated, but if technology that will help is available, it should be utilised.

Judith Gillespie: I have heard a primary teacher talking about the problems that small children have with cards. Technology that involves children—particularly those in the early stages of primary school—using their hands rather than cards would clearly be an asset. Furthermore, when youngsters lose their cards, it costs a considerable amount of money to replace them. Superficially, it sounds as if cards are a good answer to the problem, but major issues are involved. Children must not lose them and must remember to take them to school.

John Dickie: There is a shared view that stigma is still an issue and that people who are identified as being from less well-off families are stigmatised, but we can get rid of that stigma. We do not need to means test one aspect of the school day. We must think carefully about that and ask how we want our education system to progress.

Patrick Harvie: My question follows neatly from the point that has just been made on the universal provision of free school meals. It might be argued that a system in which such provision is made is the best and simplest anonymous system and that a range of reasons exists for introducing such provision. It might be argued that the universal provision of school meals will increase uptake, for example. However, many people will say that it would be better to target resources.

The Child Poverty Action Group in Scotland submission states:

> "The additional costs of extending free school meal entitlement to all primary school children … represent a remarkably cost effective way to contribute toward … health, education and anti-poverty objectives."

Will you flesh out why you think that such an approach would be "remarkably cost effective"?

John Dickie: It would not be true to say that a targeting approach is more effective. The problem with targeting is that the target is too often missed. As I said earlier, a significant number of children who live in poverty are not receiving an important benefit for them and their families that they should be receiving.

A big part of the argument in response to our case is that better-off children would get free school meals, but we would reply that that is a small price to pay for ensuring that every child that genuinely needs a free school meal gets one.

Secondly, free school meals would be of real value to better-off children. The provision of nutritious school meals for them in the middle of the day would contribute to the Executive's overall child health objectives.

We do not have a fully worked-out cost-benefit analysis, but I think that the cost of providing free school meals to every child in Scotland would be between £177 million and £222 million a year. The cost of providing free school meals to primary school children only would be £73 million to £89 million a year. Those costs are remarkably small if they are considered in the overall context of health spending and the overall costs to the health service and to society in general that result from obesity, diabetes and diet-based health problems. It has been estimated that the cost to Scotland's economy and health service of obesity alone is around £2 billion. I am not saying that the provision of free school meals will solve the problem of obesity, but it would make a significant contribution towards improving the health of our children and the health of future generations.

Patrick Harvie: You described the present system of free school meals as means testing one aspect of the school day. Given that much of the discussion about the bill is about reconnecting the food in schools with the educational ethos, is there any reason in principle why that one aspect should be treated differently from the rest of the school experience, which we pay for collectively?

John Dickie: No. Universal free school meals would complement the idea of a whole-school approach to promoting health. When children go to school, it is the responsibility of the education service to provide a healthy environment and to ensure that children make the best possible use of the service. We know about the links between healthy eating and attainment, cognition and the ability to concentrate. There seems no reason why a key factor in ensuring that children learn effectively should be means tested. As the evidence shows clearly, cost remains a serious barrier to children getting a healthy meal in the middle of the day.

The Deputy Convener: On behalf of the committee, I thank the witnesses for their evidence. As the new boy on the block, I have found it interesting.

I suspend the meeting until 11 o'clock to allow for the change of witnesses and a comfort break.

10:56

Meeting suspended.

11:01

On resuming—

The Deputy Convener: Our second panel of witnesses is made up of Gillian Kynoch, the Scottish food and health co-ordinator with the Scottish Executive; Marjory Robertson from Her Majesty's Inspectorate of Education; and Wendy Halliday, the director of Learning and Teaching Scotland's health-promoting schools unit.

As with the previous panel, I will start the questions. I will wrap my two general questions into one—they are similar to the questions that I asked earlier. I also have an extra question.

First, were you content with the Scottish Executive's consultation on the bill? That is an easy one to answer. Secondly, do we need legislation on the matter, given that the proposals reflect much of the current policy and guidance that stem from the hungry for success initiative? We probably know what you will say in answer to that. The committee would also be interested to know how closely you worked on the bill with the bill team from the Scottish Executive.

Gillian Kynoch (Scottish Executive Health Department): I am the national food and health co-ordinator. To clarify, I work for the Scottish Executive and am based in the health improvement directorate. I have been acting head of the food and health policy branch for the past year. I was involved closely with the development and implementation of the hungry for success initiative and I have worked closely with the bill team. I have given professional and policy advice to the bill team and ministers on the development of the bill. I was also a member of the expert group that was set up to draw up recommendations for the regulations on food and drinks. You have those recommendations, but ministers are yet to decide what to take from them. Therefore, the answer to your third question is that I have been closely involved in the bill process.

The consultation was thorough and I was pleased with its reach. I was particularly pleased with the number of children's voices that were heard, because it was important to do that. The bill is important because it builds on the work that we began with hungry for success. Hungry for success was a good start, but it aimed to drive up standards for food only in relation to lunches. That is important, but it is also important that we now include the rest of food and drink in school.

Hungry for success was just about food. As the food and health co-ordinator, I think that food is really important, but we must wrap around that the strong context of the health-promoting school. We should use the work that schools are doing to build on the whole-school approach of hungry for

success and put health promotion at the heart of education. That is what the bill is all about.

When we talk about the bill, it is often easy to become wrapped up in the food and nutritional standards. They are important, but the most important fact about the bill is that it places health at the heart of education. We will see the impact of that in the coming years.

Wendy Halliday (Learning and Teaching Scotland): The Scottish health-promoting schools unit responds to several strategic national agencies: Learning and Teaching Scotland, NHS Health Scotland, the Convention of Scottish Local Authorities, HMIE, sportscotland and the Executive's Health and Education Departments.

I felt that the consultation process was thorough. Much thought was given to ensuring that we approached the range of stakeholders from which we needed to obtain views, and tremendous effort was expended to co-ordinate the consultation process, to ensure that we heard the views of local government, education services, the health sector, schools, children and young people, parents and, wherever possible, the wider community. That approach has had some strengths.

I echo much of what Gillian Kynoch said about health promotion in the bill. Tremendous progress has been made on health promotion in schools and the view is that that should be mainstreamed in the longer term. I endorse and support the notion that the bill will do that for us.

The Deputy Convener: Did the bill team work closely with you?

Wendy Halliday: Yes.

The Deputy Convener: What is HMIE's perspective?

Marjory Robertson (Her Majesty's Inspectorate of Education): I will start by explaining the role that we have played in relation to the hungry for success programme. HMIE was charged with monitoring the implementation of hungry for success and, as part of our inspectorate team, we have specialist nutrition associate assessors who work with us. As the committee will appreciate, we have no role in policy making, but the evidence that we gather from school inspections helps to provide advice that contributes to policy making. Nutrition associate assessors have been involved in working with Executive personnel as part of the meetings of the expert working groups for the bill. The assessors provide advice from the evidence that we gather from inspections.

You asked about the consultation. We were not directly involved in that, other than on the sidelines. Our view is that the consultation was comprehensive. I endorse the point that it was good to see that young people were involved in the consultation.

Cathie Craigie: I will take my lead from the deputy convener and roll my two questions together. What benefits will the statutory duty on the Scottish ministers and education authorities to ensure that schools are health promoting bring to children? What key lessons have been learned from health-promoting schools, and how can those lessons be included in the development of guidance under the bill?

Gillian Kynoch: Children in Scotland face huge challenges. We are bringing up children in a strongly obesogenic environment. Scottish children grow up in a toxic culture in which, if they make rational decisions, they will become obese. We are surrounded by unhealthy food and unhealthy environments that encourage children to be physically inactive and to eat food that is too salty, too fatty and too sugary.

We must start to change that environment and we are doing that. Schools have a special role to play in that. As I listened to the earlier discussion, I reflected on the fact that we cannot expect schools to do everything—the whole country faces a big challenge.

However, schools have a special role to play and we must ensure that the environment in schools protects children's health and promotes better lifestyles. The school environment must provide an exemplar, both for the children and for the adults who interact with the school. If we expand that health-promoting environment beyond schools to throughout local government and everywhere where we have levers to pull, we will do our children enormous favours.

Given that the situation in Scotland is part of a global obesogenic environment, we should not underestimate what we are asking schools to do; they face an extremely difficult challenge. We must make the health of our children part of what we teach them. It is vital that we put health at the heart of education—never again must we allow those two issues to be dealt with separately. Although creating health-promoting schools is essential for children, it is only the beginning.

Wendy Halliday: First, I want to pick up on the benefits to children and young people that the proposals will bring. If we think about integrated children's services planning, our aspiration is to achieve the minister's seven outcomes. The fact that great efforts have been made to ensure that there is multi-agency buy-in to that reinforces Gillian Kynoch's point about schools having a part to play in improving the situation as regards those outcomes.

Through the whole-school approach to health promotion, learning and teaching methodologies

are being used to encourage the development of the relevant knowledge, understanding, skills and attributes. Much of that is being done in a supportive environment in which the ethos and culture are conducive to the adoption of what was learned through the hungry for success programme and the developments on active schools and health-promoting schools more generally.

As well as offering an opportunity for the universal provision of services to children and young people, the model of the health-promoting school enables us to consider what individual children and young people need and how the school can meet that need. The whole-school approach endorses the idea of the school as a community, to which the engagement of parents and school staff is as crucial as the engagement of children and young people. I hope that that explains some of the benefits as I see them.

I want to share a number of the lessons that we have learned from our approach to health-promoting schools. The overarching consideration is manageability for schools. We are asking a great deal of schools, given all the themes, topics and priorities that children and young people might raise. The framework of the health-promoting school offers a way round that, so that a school can get to the heart of identifying children and young people's needs and how best to respond to them. If that is to be achieved, health promotion must be intrinsic to what schools are about. In other words, health promotion must sit at the heart of school business, which means that the mainstreaming agenda is crucial.

We have also learned about the need for local flexibility. We issued a framework for health-promoting schools that presented an overarching philosophy and approach, but we have noticed that local authorities and schools have adapted the framework to suit their situations. That is a strength of the approach that has been adopted.

The Deputy Convener: Perhaps Marjory Robertson would like to comment on Cathie Craigie's first question.

Marjory Robertson: I will be brief. When we inspect the implementation of the recommendations in "Hungry for Success", we always focus on the whole-school approach that the report recommended, which obviously fits well with assessment of the health-promoting school overall. Although the remit of the expert panel that produced "Hungry for Success" was to focus on school lunches, it became clear early on that the key recommendation that was needed was that there should be a whole-school approach. The fact that that is a particular focus of ours when we are in schools is certainly focusing the minds both of people in education and those in catering.

11:15

Cathie Craigie: I am certainly encouraged by the progress on the whole-school approach that I have seen in schools in my constituency, especially the primary schools. What the young people take home to their parents and grandparents is probably useful, too.

I ask the witnesses to focus on the guidance that will accompany the bill. What are the key points that we have learned from the Executive's policy objectives in the past few years? The witnesses have contact with lots of local authorities in Scotland. Are more schools meeting the objective of being health-promoting schools? Are there areas in which we should look to the bill to ensure that schools achieve that goal?

Gillian Kynoch: I will start with the second part of your question. Marjory Robertson can give more detail than I can, but one of the most significant lessons that we have learned from the hungry for success initiative is that it is important to encourage schools to take the pupils with them and to put them in the driving seat. Where schools have a strong school nutrition action group or an involved pupil council, progress is far quicker and better than where things are imposed on the kids.

We have to take a staged approach, with programmed progression. We cannot be idealistic and say, "We're going to get to there by next Wednesday." Our children have one of the world's highest consumption rates of soft, fizzy drinks. How do we take them to where we want them to be? Can we do that by saying, "Right, you're going to have nothing but water from now on," or should we help them to work through a series of steps to get to where they should be?

In the hungry for success initiative, we learned that we have to be pragmatic. We have to give children choices, put them in the driving seat and allow time for changes to take place. If we are too prescriptive too quickly, we see problems with decreasing uptake. That happens in local authorities that are perhaps too keen to implement standards fully and to be the first to get there early. In those areas, uptake has decreased, whereas local authorities that pace themselves and take progressive steps do not lose the kids. It ends up with the tortoise winning the race.

Wendy Halliday: In response to Cathie Craigie's question about guidance, a number of measures are required to help councils and their local partners to support schools to take the work forward, such as leadership of the agenda and management of the process. We need to learn lessons from places where the process has been managed well and to find ways to share that through guidance and support. That is just as relevant in schools, because head teachers

inevitably find themselves in a mire and say that they need clear information about expectations. They ask us to tell them what is required of them, and say that they will respond to that on the basis of the needs of the children and young people whom they work with and by finding a sensible way forward.

The holistic picture of health promotion is about food and nutrition, but we also need to think about the other priority issues around health that need to be addressed, on which we might need guidance. They include mental health and well-being, physical activity, sexual health and relationships and issues around substances such as drugs, alcohol and tobacco. We expect schools to run programmes and activities on all those priorities for children and young people.

I reinforce Gillian Kynoch's point about what we have learned about children and young people's engagement. If they are involved and engaged, that goes a long way towards ensuring that good progress is made. Some schools need further support both on engaging children and young people in their health issues and needs and on designing packages. The health-promoting schools policy has focused primarily on the primary and secondary sectors. There might be a need to develop some guidance for the early years sector or to find out where such guidance is already available and, at the very least, to disseminate it. Some local authorities have been proactive and have included the early years sector in their local approach to the work.

Cathie Craigie also asked about the progress that has been made in respect of health-promoting schools. We recently invited local authorities to develop accreditation processes to enable them to explain the progress made in response to the ministerial target that all schools would be health promoting by 2007. We can now comfortably suggest that in all 32 councils an approach is in place that looks at strategically supporting schools. The evidence is that all schools have health promotion in their school development plan; health promotion will certainly be a point of action for them over the course of the next business planning year. That clearly indicates to us that schools are committed to this agenda. However, I sound a note of caution: as I see it, health promotion is a never-ending journey. We must ensure that we build in mechanisms to ensure that health promotion cannot drift off schools' continuous improvement cycle.

Marjory Robertson: I endorse what Gillian Kynoch said about phasing. A culture change is needed. As I am sure the committee is aware, the implementation of the recommendations in "Hungry for Success" has been phased. The target date for the implementation of the recommendations in primary and special schools was December 2004, whereas the target date for their implementation in secondary schools is December 2006. That was done deliberately because we recognised the challenge that secondary schools would face.

From the evidence, we can say that good progress has been, and continues to be, made in implementing, in primary and special schools, those key recommendations, which obviously relate to the bill. We have seen examples of very good progress in individual schools and local authorities. Although the provision of guidance is not strictly an HMIE role, one of our aims is to support schools and local authorities in all the work that we do. As well as engaging directly with schools, the nutrition assessors have regular contact with key education and catering staff in local authorities. An element of support is being provided.

Judith Gillespie referred to the progress report that we published last year. More recently, in June, we published a set of benchmarks that would help schools and local authorities to evaluate their progress in implementing the recommendations in "Hungry for Success". A lot of advice is being provided to schools, which are also sharing good practice. Schools welcome that because it helps them to take forward the next stage of implementation.

Christine Grahame: My question relates to Gillian Kynoch's comment that the food that children eat is too sugary, too salty and too fatty and that they drink too many fizzy drinks.

Children's taste buds are formed before they even hit nursery. How will the bill make a difference to what is rightly described by other witnesses as the choices—particularly in secondary schools—that children make? It is perhaps tangential to the bill, but it seems to me that we are asking schools to take action when children's taste buds have already formed. It will be difficult to tackle what I think you described as the obesogenic environment—I am looking forward to seeing that word in the *Official Report*. Can you perhaps give us the background on that?

Gillian Kynoch: We have education on our side. We know that if children are exposed to healthier choices in nursery and primary schools we can influence their food choices. They soak up those messages. If they are exposed to good, healthy food at school they come to like it and will make healthy choices.

Christine Grahame: That does not answer my question. I asked something more scientific about taste buds. Does the food that is provided to children—baby foods and so on—before they hit nursery mean that they will choose more salty,

more sugary foods? I do not know whether you know the answer, but that is the question that I want to ask.

Gillian Kynoch: I misunderstood your question. You are correct to say that children are put on certain journeys. There is a developmental window before a child is four but if, by the age of four, a child has not met many colours, textures or varieties of food, they are much less predisposed to try them. However, that can be counteracted later.

The Deputy Convener: I will allow a very quick question from Dave Petrie, then we must move on.

Dave Petrie: Did Wendy Halliday say that the Executive's target for health-promoting schools is August 2007?

Wendy Halliday: I said December 2007.

Dave Petrie: Do you have any evidence about the proportion of schools that have embraced the health-promoting culture?

Wendy Halliday: We have evidence, although I have to say that the position varies across councils. Through the approaches that councils have put in place to accredit or recognise the progress of their individual schools, we are able to determine those that have worked to the required level, although it depends very much on local circumstances. Some councils are rewarding excellence and some are—

Dave Petrie: But are they all moving—

Wendy Halliday: The biggest message that I have got from the process is that all councils in Scotland will have health-promoting schools in their development or improvement plans.

Tricia Marwick: I find it interesting that all the witnesses have said that nutritional standards and health promotion should be part of the whole-school ethos. I will pick up on the point about school dinners being controlled from outside schools by a different department to the education department. How do we join that up? Is that situation a barrier to the ethos that we have been talking about today?

Gillian Kynoch: I will give as an example Falkirk Council, where the food comes from the local authority's provider and the curriculum is provided by the education department. A hungry for success committee has been working there to bring together different people, such as colleagues from the Health Department, and create that joined-up approach. That approach is replicated across Scotland.

Hungry for success co-ordinators have come from the health board or the local authority or they work in the school itself. They are working to bring that level of co-ordination together into a whole-school approach. Early on, we realised that schools do not present a catering problem with a catering solution. With the best will in the world, there was only so much that a caterer could do, and it became clear that caterers were going to need support from education colleagues and people in school management.

We cannot underestimate the role of the head teacher in providing that whole-school approach, but the best practice is seen where the school management and local authorities take a joined-up approach.

Tricia Marwick: What difficulties will schools have with what we are suggesting if they have no on-site kitchen facilities?

Gillian Kynoch: That situation adds challenges. Luckily, Scotland is not as challenged in that department as are our colleagues south of the border, where a lot of school kitchens have been lost.

The problem is not insurmountable. Clackmannanshire Council uses a central production unit. Food is not cooked in each school, but the council still manages to deliver quite a high-quality service with high uptake. It is the quality of the food that matters.

It is a challenge to provide quality food in a regeneration kitchen, but in some smaller outlets in Scotland, such kitchens are appropriate and good value for money, although children are provided with a reduced service, such as sandwiches and soup. I am thinking of small schools in places such as west Stirlingshire, where it would be quite hard to cook on the premises and produce quality food.

We have to let local authorities be flexible, but it is undoubtedly best practice for food to be cooked in the school and fed to children on the same day.

Tricia Marwick: We are not talking about small schools when we talk about Glasgow; we are talking about fairly substantial school rolls. However, some schools in Glasgow do not have a kitchen; food is provided centrally and heated up. That is not the ideal.

Gillian Kynoch: It is very hard to provide a quality service in that situation.

Tricia Marwick: We have already talked about the progress that has been made in the implementation of the existing non-statutory nutritional standards following the hungry for success programme. However, I have not heard what benefits you think will come from giving those nutritional standards a statutory basis. Will you say more about what difference putting the standards on a statutory footing will make to the approach that has been taken until now?

11:30

Gillian Kynoch: The hungry for success initiative has made good progress across Scotland, but it has not been adopted uniformly. There is still quite a lot of variety. The standards have been in existence since "Hungry for Success" was published, so there are nearly four years of practice. We now need to put the standards into regulations to ensure that there is uniformity throughout Scotland and that all children are benefiting. The aim is to give bigger impetus to best practice so that it can be delivered throughout Scotland and all can children benefit from it. If we put the standards into statute, we will be locking the door behind them. There is guidance, but we do not want the progress that we have made to slip away. We want to embed it in the culture of Scotland.

Marjory Robertson: The issue of partnership working between education and catering has been raised. That is a key factor in the successful implementation of the hungry for success initiative so far. When nutrition assessors work in schools, they meet head teachers and the people in charge of catering separately to tease out that partnership. The schools in which the initiative is working really well are those in which there are effective partnerships. We report on the issue in the reports that we give to schools and education authorities.

Partnership is effective not just at school level but at local authority level. There are several examples of places where it is having a real impact on the success of implementation. The approach ensures that catering staff—for example, the person who serves the meals in a very small school—feel that they are and are seen by the young people as part of a bigger initiative that is recognised as being particularly important.

As Gillian Kynoch said, local authorities are finding ways of developing partnerships in places where the provision of school lunches is contracted out. Local authorities have overall responsibility for what is provided at school lunch time. We raise the issue of partnerships in schools and in our contacts with authorities.

Tricia Marwick: There is concern that so much of the strategy is dependent on partnership working and that there are two separate branches of the service that must come together. If that does not happen, the whole system will fail. That is at odds with some of the comments that were made earlier about having a whole-school approach. We cannot get such an approach if two separate departments are responsible for school meals.

Marjory Robertson: Where there are two separate departments, each has a role and they work in tandem. You mentioned that members have visited Drumchapel high school, where two separate departments are involved. The role of catering staff is to provide and serve the food, but that must be done in discussion with school staff to ensure that that approach works effectively. We seek that sort of effective practice across the school in the provision of education. As Wendy Halliday mentioned earlier, the aim is also to encourage broader partnerships in the services that local authorities provide for children. I accept that sometimes partnerships do not work as effectively as we would wish. That is an area that we would identify as requiring further development.

Tricia Marwick: What will be the impact on schools and schoolchildren of extending nutritional standards to the food and drink available in all parts of the school, including vending machines, tuck shops and so on? Given the comments that Gillian Kynoch, in particular, has made about not being too prescriptive too soon, will vending machines that dispense Mars bars and fizzy drinks be removed quickly or phased out gradually? Moreover, given the income that schools receive from the machines, do you acknowledge that a problem needs to be sorted out in the short term?

Gillian Kynoch: The issue was the subject of much discussion by the expert group that prepared the recommendations for the regulations, and I believe that the committee will take more evidence on that matter later. We were keen to get the balance right by moving fast enough to make a difference, but not too fast. As a result, the expert group recommended that there be an element of phasing in areas that we felt might be challenging.

What happens at lunch time should not be undermined by food and drink provision in the remainder of the day. After all, children do not eat only at meal times but all through the day. For example, what they buy when they arrive at school in the morning will be consumed at break time and what they buy at break time will be eaten at lunch time. Whereas we tend to compartmentalise those meal times, children view it all simply as one single provision of food. We must consider all the food and drink served over the day and make provision complementary. Again, we can make regulations in that respect; however, what will be important is the approach that the schools take towards them and how much they involve the pupils.

Tricia Marwick: Is there a danger that more stringent regulations will result in a further decline in the uptake of school meals?

Gillian Kynoch: We think that we have taken the right approach, but time will tell. The majority of Scottish secondary schools have to compete with the high street; as there is no locked gate

policy, schoolchildren are by and large free to roam at lunch time. Therefore, we have to make the service attractive and school meals popular enough to make children stay for lunch, but without challenging their choices too much. We simply have to take the children with us. As you heard earlier, that challenge will become easier and easier, because the school population that is coming through nursery and primary school and into secondary school has different expectations. Of course, by the time boys get into third year, they begin to want freedom of choice. Although we have to provide an attractive, popular and necessary school meals environment, we must also acknowledge that not all children will choose to stay for lunch.

John Home Robertson: I want to move on from food provided in schools to food provided or procured outside schools. As earlier witnesses have pointed out, this is difficult territory. What actions can be taken to ensure that children who take packed lunches receive nutritious food? For example, could we give advice to parents or provide water, fruit or whatever else to supplement what pupils bring into school in their lunch box?

Wendy Halliday: I echo the previous witnesses' comments about water and fruit. I certainly think that the duties in the bill are set within a manageable frame and should not encroach on what happens in the home. However, we have learned that it is important to get not only children and young people but parents on side as much as possible. That is a difficult nut to crack. For example, when the School Food Trust in England recently issued guidance to parents on packed lunches, it left itself open to criticism for being patronising by giving parents information that they already knew. There is a delicate balance to be struck.

I suggest that schools are in an ideal position, because they understand their parents better than anyone else. If we work closely with schools, we will be able to identify a sensible strategy whereby parents work alongside the school in providing continuity of message and of understanding and then are influenced in what they provide to children in packed lunches and snacks. The issue is not just packed lunches but the availability of cash for kids to purchase what they want on the way to school.

John Home Robertson: I will come to that issue in a moment, but do other members of the panel want to answer the point about packed lunches?

Marjory Robertson: The activities in schools to underpin learning about healthy eating can include lessons on what makes a healthy lunch box and on how to make a healthy packed lunch. An increasing number of schools are involving parents more actively in the provision of school lunch information. Some schools are extending that by involving parents in cookery sessions and producing recipe books, so some schools are introducing innovative practices. However, as Wendy Halliday mentioned, it is difficult to be prescriptive. We need to educate the parents of the future so that healthy food is less of an issue for future generations.

John Home Robertson: I think that the consensus is that packed-lunch inspectors would not go down well.

On children buying stuff outside school, what can the Executive, local authorities, schools and parents do to stop children buying unhealthy food from chip shops and other outlets close to the school at lunch time? As one who has been described as the committee's resident Stalinist, I would quite like us to have a go at tackling that problem, but it may not be practical to do so. What do you think?

Gillian Kynoch: Some local authorities already take more action than others on that, so there is definitely room to share best practice. Local authorities could learn from one another exactly what powers and levers they already have at their disposal that they are perhaps not yet using. We are anxious to progress that work.

Another option that is quite exciting, although perhaps limited in its potential, is to work with the owners of small shops. We already engage with many small convenience stores through the healthy living shops project. An important element of that is getting shop owners to think about how they might best work with schools and what sort of meal deal options they provide. In some areas, that works quite well. Some local authorities have also stepped into that territory by running their own van at the end of the lane to provide healthier choices. A huge range of things could be done to encourage more responsible behaviour on the part of retailers and more innovation on the part of local authorities. Licensing committees could also engage with the issue more strongly.

The Deputy Convener: In my school days, my packed lunches seemed to be mostly cheese.

John Home Robertson: Was that the stuff that you could not sell?

The Deputy Convener: Let us move on to the next question, which Dave Petrie will put to Marjory Robertson.

Dave Petrie: Bearing in mind the fact that the nutritional requirements in the bill will extend not just to lunches but to all food and drink in schools, will HMIE's processes for monitoring nutritional standards in schools change as a result of the bill?

11:45

Marjory Robertson: As I mentioned, our current monitoring practices have been phased in. Starting from September 2004—which was in advance of the target date for implementation—we started to include specialist nutrition associate assessors in our inspection teams for primary and special schools. To date, we have inspected around 150 such schools. In the summer term of this year, we piloted inspections in secondary schools and in September of this year we started a programme of inspecting the implementation of the hungry for success agenda in secondary schools.

As you will appreciate, it is fairly early days and the target date is not until December. Although we will publish recommendations in our reports, we will wait until January before we are too hard-nosed about that. However, we expect schools and local authorities to have been working quite hard on the matter.

I hope that I am assuring you that we already have a programme of inspections as part of the overall inspection process. We do not inspect the implementation of hungry for success with specialist input in all schools. We use a sample to give us evidence, although we are likely to cover hungry for success in all secondary school inspections.

In the inspection, we consider how the school, with support from the local authority, is implementing the nutrient standards. That is why we need specialist input. There are discussions about menus and the choices that are on offer, but also about what children actually take and what they eat. We also consider the whole-school aspects. There are discussions with key members of staff—I said a little about that earlier—and with pupils, because it is important to get their perspective. We watch what happens in the school at key times, particularly lunch time.

Our nutritionists spend a day working as part of the team and provide feedback to the head teacher and the senior member of catering staff. Any points that they pick up inform the other work of the inspection team. The team considers the ethos and climate of the school and the relationships within it, including the ethos in the dining area and the impact of that on attracting young people. As part of the equality and fairness quality indicators, we examine the support that is given on choosing meals, and we also consider how the school links the messages that are delivered in the curriculum to more practical messages about school lunches. There are clear guidelines for the inspections and they are shared with schools and education authorities.

I hope that that background is useful. On the main point of your question, I hope that I have assured you that key processes are in place. We need to examine closely the detail of the bill to see how far we need to extend the procedures in individual schools and how far we need to expand into other sectors. For example, the bill mentions residential hostels. At the moment, nutrition associate assessors are not involved as specialists in inspections of hostels, but that is not to say that we do not examine the quality of food. Our inspections of hostels are integrated inspections in which we work with the Scottish Commission for the Regulation of Care, so all aspects are considered. However, if we were charged with monitoring the implementation of the bill, we would need to consider how we should expand into areas such as hostels.

Pre-school provision has been mentioned. At the moment, the care commission works with us—and sometimes independently—to inspect pre-school provision and it, too, examines the food that is provided. That is a particular focus for inspections this year. Consideration is being given to the bill's implications for our work and how we can extend it to monitor additional areas.

The Deputy Convener: I point out that tempus fugit. As with the first panel, I ask for slightly shorter answers, which will be needed if we are to deal with all the important questions.

John Home Robertson: I want to pick up on a theme that Marjory Robertson just talked about. Could the process usefully include learning about the availability of cheap and healthy home-grown food? Learning about growing vegetables in the garden and buying local produce could save a lot of money for less well-off households and provide healthy food, not only for school, but for home.

Marjory Robertson: Are you asking whether we consider where food comes from and how it is provided?

John Home Robertson: I just wonder whether that theme could be developed in schools.

Marjory Robertson: In our inspections, we have found activities within the curriculum that contribute to health promotion but which are not part of hungry for success. For example, one school that we inspected had a polytunnel as part of an enterprise and environmental project and some of the food that was produced was used in school lunches. We commented positively on that, because it was an innovative way of getting young people interested in food provision. Therefore, the answer is yes, we might examine such issues.

Wendy Halliday: Such activities are often carried out in schools under the eco-schools banner, which relates to sustainable development. Schools do not necessarily think of such activities

as a health-promoting school activity or as part of the hungry for success initiative.

John Home Robertson: So there is a connection.

Patrick Harvie: That is interesting.

I want to return to monitoring. It has been useful to hear details of the monitoring of implementation of the policy. Is there any stage at which food is monitored by testing samples? For example, six months after a contract has been agreed to replace a product with one that has lower salt, do we go back and test to ensure that it actually has less salt?

Marjory Robertson: There are different levels of monitoring. I mentioned that the nutrition associate assessors have regular contact with staff in local authorities. At that level, detailed discussions take place on the menus that are on offer. Local authorities tend to develop menus for their schools, although the schools may adapt them. Some of those discussions are about the challenges and how they have been overcome. When the assessors go into schools, they do not sample all the food that is on offer, but they will certainly comment on matters such as the apparent quality and the presentation. Of course, the key discussions with pupils contribute to that. However, the quality of the food that is provided under a contract would be monitored at a different level.

Patrick Harvie: So no scientific testing of the food is carried out.

Marjory Robertson: No, not at the moment. There is discussion of the menu analysis. Gillian Kynoch might want to say something about support for that.

Gillian Kynoch: A nutritional analysis of menus is carried out using composition-of-food tables. At another level, we have target nutrient specifications for manufactured products, which are set by the Food Standards Agency and which determine fat, sugar and salt levels. The larger local authorities test sporadically—for example, an authority might check the composition of the sausages that it buys. Glasgow City Council has enough funds to carry out analyses, but other local authorities use public analysts. Sporadic checking takes place, but that is done more from the procurement perspective—authorities check whether they are getting what they think they are paying for.

Patrick Harvie: That is helpful.

What benefits will come from the proposal to give local authorities the power to provide snacks in schools?

The Deputy Convener: Who wants to go first?

Marjory Robertson: I look to the policy makers on that one.

The Deputy Convener: Okay, I ask Wendy Halliday to go first.

Wendy Halliday: Sorry, but can Gillian Kynoch go first? I will pick up on what she says.

Gillian Kynoch: The Education (Scotland) Act 1980 states specifically that local authorities can provide only lunch. The aim of the new power is to give local authorities more flexibility. In a secondary school, what children get at mid-morning may supplement what they got, or did not get, at breakfast. The same is true for lunch time. We want schools and local authorities to be able to respond to their local population. If a secondary school is aware that because of demographics a lot of kids are not having breakfast and it would be better if they were, it might want to make provision for breakfast at breakfast or break time. Giving schools and local authorities that flexibility better reflects modern eating habits and allows schools to support children nutritionally.

Patrick Harvie: The bill seeks to enforce the collection of charges for lunch but to allow local discretion on charging or having universal free provision for breakfast. What is the case for those different approaches?

Gillian Kynoch: We recognise that breakfast is a particularly important meal for child development and education. There is a strong body of public health opinion to say that if we were to provide one free meal in the day, we should choose breakfast, on the basis that that will have a bigger impact on children's health and educational attainment.

Patrick Harvie: Surely it could have that benefit for health and attainment only if the free provision increased uptake.

Gillian Kynoch: Yes, people have to eat it for it to do them any good. Does that answer the question? We see breakfast as being very valuable. There is also the point that some local authorities—Glasgow City Council in particular—already provide free breakfasts, and there was a desire to bring that provision within what is permissible rather than keeping it outside of what is tangibly the law at the moment.

Patrick Harvie: Okay. Does anyone else on the panel want to comment on snacks and breakfast?

Wendy Halliday: I have an observation. Early years providers have really got the situation sussed, in that they have been providing snacks for very young children for a long time. What we see is an environment that is about nurturing children and young people. Primary head teachers are increasingly saying that they would value the opportunity of providing free breakfasts to those

children who need it most. They are able to identify the children who are coming in ill-prepared to be in school, let alone to learn. There are some examples of good practice where head teachers have taken the onus on themselves to put systems in place to do that, and they have done it well. The earlier witnesses shared the view that there is a benefit through attainment, achievement and children's willingness to learn.

Patrick Harvie: Witnesses have mentioned attainment and health, so I will finish by asking whether any practical difficulties arise from encouraging local authorities to provide breakfasts and snacks.

Gillian Kynoch: We are seeing local authorities across Scotland making a good fist of it already. There are practical difficulties with fruit provision, but local authorities have risen to the challenge of P1 and P2 fruit provision very well. The fact that we have not made it some big national distribution service but have let local authorities work out their own ways of working has meant that there is enough flexibility in the system.

Breakfast provision is hugely varied and allows for more partners to be brought in. In some parts, the provision is purely local authority, but in others, partners from the voluntary and community sectors take part. Again, flexibility across urban and rural Scotland is important. I do not see any particular challenges in the provision of breakfasts and snacks.

Christine Grahame: My question is to do with choice, which is good because some people want packed lunches and others want meals, and the importance of attractive surroundings. Do new school builds include appropriate facilities? That means not just dining rooms with kitchens that people can cook in but snack places both outside and inside. Is that happening? There is no point in providing snacks if there is nowhere to eat them other than a crowded corridor.

12:00

The Deputy Convener: Is that a question for you, Marjory?

Marjory Robertson: I will start. We find that practice varies. Some schools, such as new builds, have attractive surroundings. However, although the surroundings might be attractive at other schools, there are challenges in coping with increased numbers. I heard recently of a local authority that is reviewing what it is doing with secondary schools. It is building a new dining area in a conservatory style to make it more attractive, looking at how the seating is organised, how the food is served and what examples young people find in the high street.

Many schools that are not new builds are consulting their pupils about how they want to improve the environment. School nutrition action groups and pupil councils are involved in such consultation. Some schools have plasma screens to inform pupils of what is happening in the school and to display good practice. Putting artwork on display is another positive way of improving the environment that links in with art and other parts of the curriculum. Even just a bit of redecoration helps—new tables and chairs or crockery.

Although things are happening, practice varies. Based on the evidence that we have so far, I cannot say, "Well, in X number of authorities, specific action is being taken on such points." It is hoped that authorities that plan new builds will take account of recommendations in "Hungry for Success". Our inspections have not been targeted specifically at new-build schools, but we are gathering increasing evidence of what is happening when we inspect those schools.

Scott Barrie: You all touched on other points that I wanted to raise. Why would placing a legislative duty on education authorities to promote school meals increase uptake when other measures have had only a marginal effect?

Gillian Kynoch: I listened with interest when you asked that question earlier. It is important to imagine what would happen if the duty to increase uptake did not exist. If local authorities had only a duty to make school meals, we might have healthy school dinners but nobody would come. It is important that people buy into healthy school dinners and that they are popular.

Putting a duty on authorities to increase uptake places the onus on schools and local authorities to make the service popular. Rather than trying to drive uptake from 50 per cent up to 60 per cent, 70 per cent or 80 per cent, it is more important that we protect the service and build its popularity, so that the children who want to take school lunches continue to take them and children who are entitled to free school meals have a service that is enjoyable and which they want to be part of. Putting a duty on local authorities to promote uptake makes everybody buy into making the meals popular as part of the whole-school approach—we will not have the janitor standing in the dining hall saying to the pupils, "You need to tell them to give you your puddings back," because all the staff will encourage the children to take up and enjoy school meals. It is more about making the service a success and healthy at the same time than it is about driving uptake up and up.

Scott Barrie: Following on from the points that Judith Gillespie made, what sort of things do you have in mind to help to promote school meals to young people?

Gillian Kynoch: A lot of work has been done on that in the guidance that is being written. We use the term "whole-school approach" quite glibly to mean all that I just mentioned. It is about everything from the things that the children do not like, such as queueing, which can be addressed by having multiple service points and getting the timing right, to allowing them to choose food. Fundamentally, children want what we would want from our workplace lunch: a high-quality service. That is what will drive up uptake. It all counts: the décor, the attractiveness of the food and whether pupils get to sit with their friends.

The Deputy Convener: Christine Grahame will now return to a subject that she raised with the previous panel.

Christine Grahame: This is about free school meals and stigmatisation. I note that the evaluation for the hungry for success programme found that staff and children generally did not believe that stigma was attached to free meals in their schools. I would say that that conflicts with this morning's evidence from the CPAG and the Scottish Parent Teacher Council. Will you comment on that conflict in the evidence?

Marjory Robertson: The evidence that we gathered when we were investigating the implementation of hungry for success is that it is important to ensure anonymity. We have used the term "potential stigma". The contacts that we have had with young people at schools suggested that they did not see stigma as a big issue. However, there should be systems in place to ensure anonymity for young people who are entitled to free school meals.

A lot of progress has been made to take away aspects where anonymity was not there. The progress report that we published in October 2005 recognised that there have still been instances where children and young people who were entitled to free school meals could be identified, as was mentioned in evidence this morning. That might be because of separate queues or situations where children are asked to put their hands up if they take free school meals. We would certainly discourage such practices, and we would report back on them. As I have said, however, our inspections indicated that stigma was not seen as a big issue from the young person's perspective, but that is not to say that there should not be procedures in place to ensure anonymity, as "Hungry for Success" recommended.

There are sometimes issues with the card system. In some cases, its success might be related to how effectively it is introduced to the young people. That has been mentioned in relation to the whole initiative. Judith Gillespie and other witnesses in the previous panel mentioned the use of palm-print technology. That system would certainly take away some of the difficulties with young people losing cards and needing to obtain new ones and so on. It is important to consider such possibilities.

Christine Grahame: You said that you would report back if you found a system in a school that was not satisfactory.

Marjory Robertson: Yes.

Christine Grahame: It is obvious that asking pupils to put their hands up to identify themselves or getting them to go into different queues is a horrible thing to do. I am surprised that that is happening.

Marjory Robertson: I should stress that that happens very rarely.

Christine Grahame: When you report back, what happens then? To whom does the matter go back? How do you follow it through?

Marjory Robertson: At the end of the inspection day, when the nutrition associate assessors are in school, an oral report is given to the head teacher and the senior member of catering staff. As you will be aware, we publish all our inspection reports on schools. We include comments on the implementation of the hungry for success programme. The comments might be relatively limited and not as detailed as the oral feedback.

Since April, we have been providing written summary feedback, which we pass to the key member in each local authority—the key person dealing with hungry for success whom each authority has named for us. A copy of those comments also gets returned to the school. That means that we are sharing the key feedback points, both the good things that we have seen and the areas that we think need to be addressed.

Subsequent to our inspections, we follow through matters, particularly if key recommendations are given. We follow through any of those that appear in our published reports, as we do with all school inspections. When issues require attention at local authority level, we follow through on that, too. Sometimes, that might happen immediately through contact with somebody in a local authority to address issues urgently.

Christine Grahame: Many of us receive inspection reports for schools in our constituencies. Are you saying that if such practices were happening in a school in our area, the reports would cover that? You said that oral feedback was in fuller detail than the report. Am I correct in understanding that if such practices were happening in schools in our area, the report that MSPs receive would say that?

Marjory Robertson: It might not always be in the report, because we must balance what is included in the report on a school. Hungry for success is a part of that, but when we feel that important main points for action need to be addressed and need to form part of the key follow-through that we undertake, they are in the report. The more detailed feedback, which is a summary of what has been given orally, is passed to the local authority and to the school. There is no reason why that information about schools in your constituencies could not be shared with you via the schools.

Christine Grahame: Why does such a discrepancy exist in the 2006 survey between local authorities and perhaps between different schools in each local authority area? Practice should be standardised; bad practice should not exist and best practice should prevail. Why is that not the case?

Marjory Robertson: Are you asking why a discrepancy exists through variations in practice?

Christine Grahame: I am asking whether practice varies between local authorities. Why has guidance not been issued to local authorities and schools to say what should and should not be done when children receive free school meals?

Marjory Robertson: You are referring specifically to free school meals.

Christine Grahame: Yes. I am talking about stigmatisation because of the system.

Marjory Robertson: Variation in practice is much less now than it was when we published our interim progress report. It would be rare for us to identify bad practice now. Guidance is given to local authorities through discussion and the self-evaluation guide that we published makes clear suggestions for implementing the recommendation in "Hungry for Success".

However, variation in practice that affects the success of ensuring anonymity remains, because authorities have been at different stages of introducing swipe cards and so on. We are beginning to find in secondary school inspections that such systems are being put in place. Wendy Halliday and Gillian Kynoch may well wish to speak about that. Our secondary school inspection sample is relatively small, because we have just started on that, but evidence that comes from information that local authorities provide on aspects of national priorities and on progress with hungry for success will show what they are doing to address that aspect of the bill.

Wendy Halliday: I will pick up on a suggestion that Marjory Robertson made. I work with hungry for success co-ordinators and network members from various local authorities and they often say that authorities and schools are at different stages because of the implementation process. Many authorities have tried a few measures in several schools in their areas to test whether those approaches work before they roll out a processor system in all their schools. Many are quick to roll out a measure if they find a particularly successful approach. I say that in defence of what can seem to be a staggered development approach.

Much good practice has been generated through head teachers, so some schools will inevitably be much further ahead of the game. That is down to a head teacher taking the agenda by the reins and developing measures. That will always be the case. The challenge for us then is to draw on the experience of particular schools and particular heads and disseminate it much more quickly than we currently do.

12:15

Cathie Craigie: Education authority schools and hostels and grant-aided schools will require to comply with the legislation, but should the bill cover independent schools and nurseries?

Wendy Halliday: That question has been discussed. Earlier, I said that the ministerial target for all schools to be health promoting by 2007 included primary and secondary schools but not the independent sector. However, many independent schools are already making good progress in promoting health in response to that. They are taking approaches that neighbouring local authority schools have taken and adapting them to suit.

It has been decided that the state will have primary responsibility for primary schools, secondary schools and early years arrangements and that there will be a statutory requirement with regard to those schools and nurseries. However, independent schools are well equipped to provide health-promoting school activities and an ethos and environment that we would want for our children, and many such schools are excelling in providing the right environments and circumstances to encourage health and well-being.

Gillian Kynoch: The private nursery sector has only recently received nutritional guidance, whereas schools have had a while to get up to speed on nutrition. That guidance is now having an impact on the sector, and, supported by the statutory regulatory power, it needs to be bedded in. The sector must deliver to the required level before any necessary legislation is introduced. A legislative approach in that sector seems to be too heavy, too soon and inappropriate at this time. The guidance is being supported by a high level of training. However, we probably need to do more

and let the care commission get out to nurseries to inspect them and see what is happening in them.

Cathie Craigie: The previous panel of witnesses suggested that there should be a re-evaluation over a period of time and that arrangements should be left to settle in. Do you agree?

Gillian Kynoch: Yes.

Wendy Halliday: Yes.

The Deputy Convener: That concludes members' questions. Does any member of the panel want to say anything before I close the meeting?

Wendy Halliday: I have two observations to make. The first relates to the school estate strategy and a question that Christine Grahame asked. In 2004, the Scottish health-promoting schools unit, on behalf of the partnerships, led work to produce a publication entitled "Being Well: Building Well". We recognised that we were missing a trick not only with respect to public-private partnership schools but with respect to the school estate generally, and that we should try to encourage procurement teams to think about building health promotion into their school estate strategies. "Being Well: Building Well" was widely circulated. The feedback that we have received on it is that it has encouraged people who are responsible for procurement to think more widely not just about food but about health promotion generally and to consider what infrastructure and buildings might look like to reflect the thinking on that. The issues of resources, finance and wrestling with communities' expectations and identified needs always arise in feedback.

My second observation relates to monitoring. Marjory Robertson gave a very good overview of the hungry for success inspection framework. A similar approach is being considered to monitor physical activity and the two hours of physical education that take place in schools. Work is also being done on finding out how well a smaller number of schools are doing in sexual health and relationship education and substance education, particularly in relation to drugs. We can learn lessons from that work that will inform the action that will be taken to review the process following the passing of the bill.

The Deputy Convener: Good.

Marjory Robertson: It is early days with secondary schools, but I will end on an encouraging note. From looking at what is happening in secondary schools and speaking to pupils who have had different experiences in primary schools, we have found that the expectations of secondary pupils are higher. Things are changing. They are saying that there is not as much fruit on menus as there would be on primary school menus. A gradual process has begun and they are looking for such things. There are challenges ahead, but perhaps as the younger generation works its way through the system into secondary schools, its expectations will help to take the initiative forward.

The Deputy Convener: I thank the witnesses for giving evidence and for answering our questions. I am a new boy on the block, and the meeting has been interesting for me, as I said to the previous panel. I have enjoyed it.

I remind members that the deadline for lodging stage 3 amendments to the Planning etc (Scotland) Bill is 4.30 pm on Thursday 9 November.

Meeting closed at 12:21.

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