

Citizen Participation and Public Petitions Committee
Wednesday 10 September 2025
13th Meeting, 2025 (Session 6)

PE2158: Introduce a maximum temperature for serving hot liquids to children in childcare settings

Introduction

Petitioner Terri Gunning

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to ensure a consistent approach to serving hot food to young children by introducing a nationally-set maximum temperature for the serving of hot liquids to children within childcare settings.

Webpage <https://petitions.parliament.scot/petitions/PE2158>

1. This is a new petition that was lodged on 6 May 2025.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. Every petition collects signatures while it remains under consideration. At the time of writing, 677 signatures have been received on this petition.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered.
6. The Committee has received a submission from the Scottish Government, which is set out in **Annexe C** of this paper.

Action

7. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
September 2025

Annexe A: Summary of petition

PE2158: Introduce a maximum temperature for serving hot liquids to children in childcare settings

Petitioner

Terri Gunning

Date Lodged

6 May 2025

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to ensure a consistent approach to serving hot food to young children by introducing a nationally-set maximum temperature for the serving of hot liquids to children within childcare settings.

Background information

Current guidelines stipulate the temperature hot liquids should be cooked to, not the temperature at which they should be served at. This results in inconsistency across establishments, with individual childcare settings being responsible for setting their own safe serving temperatures.

This lack of explicit guidance from the Scottish Government resulted in my daughter being badly injured and scarred for life when soup that had not been cooled was spilled on her at nursery. The Care Inspectorate stated "it is hard to prove that the nursery are at fault because no such guidelines exist as to the maximum temperature that soup should be served at." A lack of government legislation and clarity in existing guidance enabled the nursery to deny liability for my daughter's injuries.

A maximum serving temperature needs to be introduced and enforced; my daughter is proof that the current guidelines are not fit for purpose.

Annexe B: SPICe briefing on PE2158



Brief overview of issues raised by the petition

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

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

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

Legislation

Food and hygiene

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

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

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

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

Water temperature in school premises

In July 2017, the Scottish Government [sought views](#) on plans to update the [School Premises \(General Requirements and Standards\) \(Scotland\) Regulations 1967](#).

Regulation 25(4), in relation to water supplies in showers, states that “every shower shall have a supply of water warmed to a temperature of not less than 38°C nor more than 44°C.” The [subsequent analysis](#) found that:

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

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

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

Guidance for childcare settings

Early years

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

- Public Health Scotland,
- Food Standards Scotland,
- Care Inspectorate,
- Education Scotland,
- NHS Greater Glasgow and Clyde dietetics,
- The Children and Young People’s Allergy Network Scotland (CYANS),
- Early Years Scotland,
- National Day Nurseries Association,
- Scottish Childminding Association, and
- ASSIST FM Scotland (representing Local Authority catering leads).

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

The guidance states that all childcare settings, meeting the above criteria, are required to follow correct food safety and hygiene practices, including the temperature control requirements set out the 2006 regulations. It also refers to [NHS guidance](#) around the importance of safety and hygiene in preparing food for children,

stating that “extra care is needed with babies and young children as they have a lower resistance to food poisoning”.

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

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

School age children

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

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

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

Prevention of scalding incidents in children’s settings

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

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

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

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

UK-wide Campaigns in relation to hot liquids

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

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

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

Susan Brown

Researcher

3 June 2025

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot. Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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Annexe C: Written submission

Scottish Government written submission, 3 June 2025

PE2158/A: Introduce a maximum temperature for serving hot liquids to children in childcare settings

Does the Scottish Government consider the specific ask[s] of the petition to be practical or achievable? If not, please explain why.

The Scottish Government is deeply sorry to hear about the Petitioner's daughter and her family's experience. It is important parents and carers know their children are safe at nursery.

The petition is calling for the Scottish Government to introduce a maximum temperature for the serving of hot liquids to children within childcare settings. The Scottish Government has given this careful consideration with key partners, including the Care Inspectorate, and considers that current guidance in this area is appropriate.

The [Setting the Table](#) guidance for Early Learning and Childcare (ELC) providers outlines nutritional standards and practical guidance for providing food and drinks to children aged 0-5 in ELC settings. The guidance was updated by a Scottish Government led expert group including our key partners in the Care Inspectorate, Public Health Scotland and Food Standards Scotland and representatives from across the ELC sector and published on 8 October 2024. The guidance states that:

*"It is important when you serve hot food that you follow the guidance from Food Standards Scotland to ensure food is heated to the correct temperature before serving. This is to avoid food poisoning. However, food should not be served to children at this temperature. **Food should be left to cool a little in a safe area, away from children and should be tested by tasting, before serving.** For management of burns and scalds, follow the guidance on NHS Inform website."*

The Scottish Government is clear we expect all ELC providers to ensure the safety of children in their care and to adhere to all duties and guidance relating to food provision. Most local authorities set their own maximum temperatures depending on their local policies and risk assessments.

In respect of preventing scalding incidents, the Care Inspectorate has emphasised the importance of leadership teams in settings ensuring that staff teams are skilled, knowledgeable, and deployed in an appropriate way that supports safe and high-quality mealtime routines.

What, if any, action is the Scottish Government currently taking to address the issues raised by this petition, and is any further action being considered that will achieve the ask[s] of this petition?

Since the incident occurred, several steps have been taken to address the issues raised by this petition:

- The Scottish Government and our partners in the Care Inspectorate, Public Health Scotland and Food Standards Scotland have worked with representatives from across the ELC sector to update the [Setting the Table](#) guidance for all registered childcare settings in Scotland.
- Guidance on serving soup and other hot liquids in ELC settings was included in the updated guidance, published on 8 October 2024 (as above). The expert working group established to advise on the updated 'Setting the Table' guidance agreed that the national guidance should include general advice outlining the need for food to be cooled, and tested by tasting, before serving, but they did not identify the need to set a temperature for serving foods.
- It is expected that the updated Setting the Table guidance will be fully implemented by 1 August 2025.
- On 17th December 2024, the Care Inspectorate published additional good practice guidance on the [prevention and management of scalding episodes in daycare of children and childminding services](#) to help childcare providers prevent and manage scalding episodes. The document provides essential information on:
 - understanding why young children are particularly vulnerable to scalding accidents;
 - implementing safe food handling and serving procedures; and
 - knowing how to react quickly and effectively in a scalding emergency.

In addition, the Care Inspectorate also published a practice note on [Keeping Children Safe; supporting positive mealtime experiences in early learning and childcare](#).

Is there any further information the Scottish Government wish to bring to the Committee's attention, which would assist it in considering this petition?

We have engaged with the Care Inspectorate on these issues. The Care Inspectorate's expectations would be that services risk assess food preparation and serving, following local and national guidance. Even if a service has a chef/cook on site, there are still risks. According to the Care Inspectorate, staff should not be assuming that whatever comes from the kitchen is ready to be served.

The Care Inspectorate has outlined that children all develop differently and what might seem a reasonable temperature for one, may not be for another. In their guidance, the Care Inspectorate suggests that staff ensure the food is cooled to an appropriate temperature, but they would also expect staff to support individual children to assess the risk for themselves recognising their age and stage of development and be able to alert staff if the food is too hot or too cold. The Care Inspectorate highlights the need for leadership teams to ensure that the staff team is skilled, knowledgeable and deployed in an appropriate way that supports safe and high-quality mealtime routines.

We will work with partners, including the Care Inspectorate, to keep these issues under review and to consider what additional actions may be required to keep children safe in settings.