

## Do you want to find out about Inspection of the Health Promotion and Nutrition Act and Regulations?

### **Q What is the Health Promotion and Nutrition (HPN) Act?**

A The HPN Act is part of Scottish Government's vision for a healthier Scotland. Click on this link to find out more.

[https://www.legislation.gov.uk/asp/2007/15/pdfs/asp\\_20070015\\_en.pdf](https://www.legislation.gov.uk/asp/2007/15/pdfs/asp_20070015_en.pdf)

The Act imposes duties on Scottish Ministers, education authorities and managers of grant aided schools to endeavour to ensure that schools are health-promoting places. Full details can be found through this link.

<http://www.gov.scot/Publications/2008/05/08160456/0>

It also places duties on education authorities and managers of grant aided schools to ensure that all food and drink provided complies with nutritional requirements set out in Regulation.

The full detail of the Act and Regulations can be found through this link.

<http://www.gov.scot/Publications/2008/09/12090355/0>

### **Q Are there any other duties?**

A Yes. Other duties relate to promoting school lunches, in particular free school lunches, protecting the identity of those receiving free school lunches, having regard for Scottish Minister's guidance on sustainable development and providing drinking water free of charge at all times

### **Q How does Education Scotland work out which schools it will inspect to see if these duties are being adhered to in schools in any given year?**

A A sample of schools is selected from Education Scotland's general school inspection programme. Ideally this will include primary, secondary and special schools from each local authority area. There are likely to be more inspections in authorities which have more schools.

### **Q By the end of a school year, how many schools will have been inspected to see if the duties are being adhered to?**

A Taking into account school holidays, and exams in secondary schools, it is anticipated that 95 schools will be inspected each academic year.

**Q What types of food and drink falls within the scope of these inspections?**

A All food and drinks covered by the Food and Drink Regulations are in scope as outlined by the legislative guidance which can be found via this link. <http://www.gov.scot/Publications/2008/09/12090355/0>

The regulations cover food and drinks provided at school lunches, at evening meals in school hostels, at tuckshops, in vending machines and at morning or afternoon break. The regulations can also apply to food and drinks at breakfast clubs, after school clubs and community cafes when provided by the local authority or grant aided school or by a catering company or other provider on behalf of the school. This means that everyone involved in providing food and drinks for children and young people across the school day must be aware of and understand the regulations.

**Q Are there any situations where the regulations do not apply?**

A Yes. They do not apply to packed lunches or food brought into school by a pupil, or by people who are not pupils. They do not apply to food used to teach about food preparation or food safety, although teachers should take health promotion into account when choosing food and drinks for such activities. Food and drink as part of a medically prescribed diet is not in the scope of the regulations nor is food or drink used as part of a cultural, social or recreational activity. Schools have a responsibility to promote health so should take this into account when planning food and drink provision for events such as school sports days, parties, picnics or school trips.

**Q Do the regulations apply in early learning and childcare settings?**

A No. Separate guidance is available for the early years sector. You can find it here: <http://www.healthscotland.com/documents/30341.aspx>  
It should be noted that this guidance is currently being updated.

**Q How does Education Scotland go about checking that food and drink standards and the nutritional regulations are being adhered to?**

A The standards are monitored by Health and Nutrition Inspectors (HNIs). HNI's join primary, secondary and special school inspection teams for between 1 and 1.5 days. During this time they undertake a range of activities including:

- observation of any food provision across the school day including breakfast clubs, tuck shops and lunch provision
- review of menus and nutritional analysis of those menus
- meetings with groups of children/young people to gather their views of their experience of food provided across the school day and about how food education is helping them understand the relationship between dietary choices, health and wellbeing
- meetings with members of senior management team in school to discuss their approach in developing and implementing policy around food in school in terms of

food and drink provision, food education programmes, links with food partners and practical food activities.

- meeting with catering staff directly involved in preparing and serving meals to discuss their roles and responsibilities.

**Q How can children/young people who are not part of meetings with an HNI ensure their views are heard?**

A As well as talking to children/young people and school staff, there is an opportunity to participate and contribute comments in advance of the inspection through Education Scotland's pre-inspection questionnaire. School staff, parents, children and young people have the chance to make their views known on any aspect of the school including food provision and food education.

**Q What happens if there is no HNI on the inspection team? What difference does it make to the inspection evidence and evaluations?**

A If there is no HNI, there will be less of a focus on specialist aspects of school food provision such as the food and drink standards and nutritional regulations. HMI colleagues and other team members will still carry out activities in relation to the HPN Act, for example arrangements to protect the identity of those entitled to a free school meal and providing ready access for children and young people to free drinking water.

**Q Where does the health promotion part of the HPN Act sit within inspections?**

A Inspection team members contribute collectively to monitoring that schools are fulfilling their duty to be health promoting. A range of activities may be undertaken to provide assurance that a school is promoting health effectively and this evidence contributes to the evaluation of the quality indicator for Wellbeing, Equality and Inclusion.

**Q What happens after an HNI has inspected a school?**

A Following each inspection, Education Scotland provides details of the findings to the catering manager in the local authority and headteacher of the school. This includes how well the school is meeting the requirements of the food and drink regulations, any recommendations for improvement, and how well the school is meeting the main duties of the Health Promotion and Nutrition Act.

**Q What action is taken if a school is not meeting all the aspects of the regulations?**

A Firstly there is no pass or fail. Schools usually have things which are being done well(strengths) and things which could be done better(areas for improvement). If something does not fully comply with the required standards this will be brought to the

attention of the catering manager and headteacher who are responsible for ensuring the necessary improvement is made.

**Q How does Education Scotland ensure that improvements are made?**

A The duty is on the education authority to ensure all food and drink provided in schools complies with the nutritional requirements specified by Scottish Ministers in regulations. In some cases, return visits are made to review progress with improvements identified. In other cases the local authority may produce an action plan identifying how they are addressing the points raised. In most other cases, HNIs make contact with local authorities to discuss the progress made with any aspects for improvement identified during inspection. They will also look specifically at areas of concern the next time they visit a school in the same authority.

**Q How can a school get greatest benefit from an HNI being on an inspection team?**

A HNIs have specialist knowledge and experience of nutrition and health and wellbeing. They can offer particular support, advice and reassurance in relation to these areas in your school. Schools are encouraged to make the most of the opportunity to engage with them around these areas while they are in a school.

**Q Are there ways ,other than school inspection, that the standard of food being served in schools is checked?**

A Most local authorities have their own auditing and monitoring procedures in place which will include looking at compliance with the nutritional regulations. HNIs also have contact with local authorities throughout the year and provide support and capacity building opportunities for catering staff to ensure they continue to make progress.

**Q How can I find out more about the school meals service or about food served in my school?**

A Local authority websites will have information about school meals provision and contact details for you to direct your particular questions. Alternatively, school meal menus may contain further information and contact details.

**Q How can I find out what the Scottish Government has planned for school food provision in the future?**

A The following links will take you to information about this. There is a consultation underway about food and drink in schools which you can participate in. Once this has closed a report on the findings of the consultation will be published via the same link. <https://consult.gov.scot/support-and-wellbeing/food-and-drink-in-schools>.

It might also be of interest to link in with

<https://beta.gov.scot/policies/schools/wellbeing-in-schools/> and

<https://education.gov.scot/improvement/learning-resources/hwb42-food-education-summary>.