

Food in Schools Bill

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TO

Require all schools in England to have a food policy; to provide support for schools in drawing up, implementing and developing food policies; to make permanent the scheme for free fruit in schools and to extend it; to extend entitlement to free school meals, including to breakfasts; to amend the law relating to the nutritional values of school meals; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Food policies in schools

- (1) It shall be the duty of every governing body of a school maintained by a local education authority to prepare and publish a food policy within 24 months of this Act coming into force .
- (2) A food policy under subsection (1) shall include policies relating to— 5
- (a) the teaching of food science and related food subjects within the school curriculum;
 - (b) the sale of food and drink in the school;
 - (c) the consumption of food and drink, whether or not sold in the school, on the school's premises; and 10
 - (d) any other matters related to food which the school's governors think appropriate.
- (3) In discharging its duties under this section, the governing body of any school maintained by a local education authority shall have regard to any guidance issued by the Secretary of State under section 2 (2). 15

2 Duties of the Secretary of State

- (1) The Secretary of State shall support any governing body which has a duty under section 1 to prepare and publish a food policy.
- (2) In particular, the Secretary of State shall—

- (a) issue, within 12 months of this Act coming into force, and may from time to time revise, a code of practice containing such guidance as he thinks appropriate to assist
- (i) governing bodies, and
 - (ii) local education authorities, 5
- in the discharge of their duties under this Act;
- (b) disseminate exemplars of best practice to governing bodies and local education authorities relating to the discharge of their respective duties under this Act;
- (c) *fund initiatives aimed at promoting food policies required under this Act;* 10
- (d) before issuing guidance under this section, consult governing bodies of maintained schools, teachers, local education authorities and any other persons and organisations which in his opinion are relevant.
- 3 Duties of local education authorities**
- (1) It shall be the duty of every local education authority to assist the schools which it maintains in the preparation and publication of food policies. 15
- (2) In particular, local education authorities shall –
- (a) from time to time issue guidance to the governing bodies of schools which they maintain about the discharge of their duties under section 1;
 - (b) disseminate exemplars of best practice, relating to the discharge of their duties under this Act, to the governing bodies of schools which they maintain. 20
- 4 Inspection of food policies**
- (1) The School Inspections Act 1996 (c. 57) is amended as follows.
- (2) After section 23 there is inserted – 25
- “23A Inspection of food policies**
- (1) It shall be the duty of the governing body of any school maintained by a local education authority to secure that –
- (a) its food policy, and
 - (b) the implementation of that policy, 30
- are inspected under this section.
- (2) In this section –
- “food policy” has the same meaning as in the Food in Schools Act 2004
- (3) An inspection under this section shall be conducted by a person who is chosen by the governing body and whose qualifications for acting as an inspector meet such criteria as may be prescribed by the Secretary of State in regulations 35
- (4) It shall be the duty of a person conducting an inspection under this section to report on the quality of the school’s food policy and its implementation. 40

- (5) A person conducting an inspection under this section may do so with the assistance of such other persons chosen by him as are in his opinion fit and proper persons for carrying out the inspection.
- (6) Any power to make regulations under this section is exercisable by statutory instrument. 5
- (3) In section 45(2) at the beginning there is inserted “Subject to subsection (2A)”.
- (4) After section 45(2) there is inserted –
- (2A) Subsection (2) does not apply to regulations to be made under section 23A and no such regulations shall be made unless a draft of the statutory instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament. 10
- 5 Amendments of the Education Act 1996**
- (1) Section 512 of the Education Act 1996 (c. 56) is amended as follows.
- (2) In section 512(2), after “(3)” there is inserted “and 3(B)”.
- (3) After section 512(3A) there is inserted – 15
- “(3B) If a breakfast is provided at a school maintained by a local education authority to pupils registered at that school, the breakfast shall be provided free of charge.”
- (4) After section 533(2) there is inserted –
- “(2A) The governing body of each school or nursery school maintained by a local education authority shall at least once each school day serve each child aged between 2 and 7 years with fresh fruit free of charge.” 20
- 6 Amendments of the School Standards and Framework Act 1998**
- (1) Section 114 of the School Standards and Framework Act 1998 (c. 31) is amended as follows. 25
- (2) For subsection (1) there is substituted –
- “(1) The Secretary of State shall from time to time, and at least once before 1 January 2006, prescribe by regulations nutritional standards in the form of nutrient-based guidelines which (subject to such exceptions as may be provided for by or under the regulations) are to be complied with in connection with the provision of school meals for registered pupils at schools maintained by local education authorities.”. 30
- (3) In subsection (2) of that section, for “lunches” there is substituted “meals”.
- (4) In subsection (3) of that section, for “lunches” there is substituted “meals”. 35
- (5) For subsection (5) there is substituted –
- “(5) In this section, “school meal”, in relation to a pupil, means food made available for consumption by the pupil as his pre-school breakfast or his midday meal on a school day, whether involving a set meal or the selection of items by him or otherwise.”. 40

- (6) In section 138(5) after “108(2)” there is inserted—
“(c) regulations made under section 114(1);”.

7 Expenses

There shall be paid out of money provided by Parliament –

- (a) *any expenses of the Secretary of State under this Act; and*
(b) *any increase attributable to this Act of the sums payable under any other Act.*

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8 Short title and extent

- (1) This Act may be cited as the Food in Schools Act 2004.
(2) This Act extends only to England.

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To require all schools in England to have a food policy; to provide support for schools in drawing up, implementing and developing food policies; to make permanent the scheme for free fruit in schools and to extend it; to extend entitlement to free school meals, including to breakfasts; to amend the law relating to the nutritional values of school meals; and for connected purposes.

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