



**Cynulliad Cenedlaethol Cymru  
The National Assembly for Wales**

**Pwyllgor ar y Mesur Arfaethedig ynghylch Bwyta'n  
Iach Mewn Ysgolion  
The Proposed Healthy Eating in Schools Measure  
Committee**

**Cyfnod 1  
Stage 1**

**Dydd Mawrth, 17 Mehefin 2008  
Tuesday, 17 June 2008**

**Cynnwys**  
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Session 3

Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,  
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.  
In addition, an English translation of Welsh speeches is included.

**Aelodau'r pwyllgor yn bresennol**  
**Committee members in attendance**

Jeff Cuthbert	Llafur Labour
Andrew R.T. Davies	Ceidwadwyr Cymreig Welsh Conservatives
Irene James	Llafur Labour
David Lloyd	Plaid Cymru The Party of Wales
Kirsty Williams	Democratiaid Rhyddfrydol Cymru (Cadeirydd y Pwyllgor) Welsh Liberal Democrats (Committee Chair)

**Eraill yn bresennol**  
**Others in attendance**

Elaine Edwards	Swyddog Polisi, UCAC Policy Officer, UCAC
Richard Edwards	Ysgrifennydd, NAHT Cymru Secretary, NAHT Cymru
Iwan Guy	Cyfarwyddwr Dros Dro, NAHT Cymru Acting Director, NAHT Cymru
Gruff Hughes	Ysgrifennydd Cyffredinol, UCAC General Secretary, UCAC
Jane Morris	Cyfarwyddwr Dros Dro, Llywodraethwyr Cymru Acting Director, Governors Wales
Hugh Patrick	Cadeirydd, Llywodraethwyr Cymru Chair, Governors Wales
Allan Tait	Secretary, Llywodraethwyr Cymru Secretary, Governors Wales

**Swyddogion Gwasanaeth Seneddol y Cynulliad yn bresennol**  
**Assembly Parliamentary Service officials in attendance**

Ruth Hatton	Dirprwy Glerc Deputy Clerk
Joanest Jackson	Cynghorydd Cyfreithiol y Pwyllgor Legal Adviser to the Committee
Siân Wilkins	Clerc Clerk
Liz Wilkinson	Clerc Clerk

*Dechreuodd y cyfarfod am 9.32 a.m.*  
*The meeting began at 9.32 a.m.*

**Cyflwyniad, Ymddiheuriadau a Dirprwyon**  
**Introduction, Apologies and Substitutions**

[1] **Kirsty Williams:** Good morning everyone. Welcome to this meeting of the Proposed Healthy Eating in Schools Measure Committee. I remind everyone in the committee room and the public gallery to turn off their mobile phones, BlackBerrys and any other electronic

devices. In the event of a fire alarm, the ushers will escort you from the room to the nearest exit.

[2] There is no need to touch the microphones in front of you; they will operate automatically. Please remember not to touch them as doing so will turn the system off. The committee operates bilingually, and headsets are available through which you can hear the simultaneous translation.

[3] Apologies have been received from Angela Burns, and we are pleased to welcome Andrew R.T. Davies who is substituting for Angela this morning. I wish to formally thank Dai Lloyd for chairing the committee in my absence last week.

9.33 a.m.

**Mesur Arfaethedig Bwyta'n Iach mewn Ysgolion (Cymru) 2008**  
**Proposed Healthy Eating in Schools (Wales) Measure 2008**

**Cam 1, Sesiwn Dystiolaeth 3**  
**Stage 1, Evidence Session 3**

[4] **Kirsty Williams:** We have two sets of witnesses giving evidence this morning. First, we will put questions to the panel that is made up of representatives of Undeb Cenedlaethol Athrawon Cymru and the National Association of Headteachers Cymru. Following those questions, we will put questions to Governors Wales.

[5] I am pleased that you could join us, and we are grateful for the written submissions that you have made to the committee. As a result of the submissions, Members have questions for you. Therefore, with no further ado, I turn to Jeff Cuthbert for the first question.

[6] **Jeff Cuthbert:** Thank you both for your written submissions, which are very helpful. The first three questions are specifically for NAHT Cymru and I then have a few questions for UCAC. It seems from your submission—correct me if I am wrong—that you are not supportive of a statutory approach in this regard. In fact, you say that it could:

[7] ‘Damage goodwill and undermine existing initiatives and good practice’.

[8] Assuming that I have understood you correctly, why do you feel that that is the case?

[9] **Mr Guy:** Yes, you have understood us correctly. Thank you, Chair, for the opportunity to come to explain our position to the committee and to answer your questions. I wish to start by saying that schools and headteachers realise fully the importance of healthy eating, and we have willingly co-operated in many of the initiatives, if not all the initiatives that have taken place. Headteachers have been able to change and adapt these initiatives to suit the circumstances at their own particular schools. Putting this within a legislative framework would remove that flexibility, and we feel that the accountability and inspections that would follow would amount to too much regulation. It could mean the end of the school meal service, as is happening in England at present.

[10] The professional duties of headteachers are described in law as part of the teachers’ pay and conditions document, and that is not a devolved issue. Therefore, if you put this within a legislative framework, how could it be enforced? Richard, would you like to comment?

[11] **Mr Edwards:** We think that it might be very difficult for headteachers if this extra burden were placed on us. It is not part of the School Teachers’ Review Body’s conditions of service, as we understand it. As a practising headteacher, I am already convinced, as, I am

sure are my colleagues, of the benefits of healthy eating; we do not need a legislative sledgehammer to drive the point home. Moreover, legislation will only affect governing bodies and headteachers; we believe that it will not force students to eat healthily and that it may exacerbate problems of indiscipline when more students try to leave school sites at lunch times to seek alternative foods.

[12] **Jeff Cuthbert:** Clearly, I understood you correctly. On the legal arguments, our understanding is that the Measure is in order, but we will doubtless receive more information about that.

[13] To move on to the second question, you strongly suggest that schools are willingly participating on the issue of healthy eating and are working with existing policy initiatives, such as the healthy schools scheme and the ‘Appetite for Life’ action plan, which are addressing the needs. You say that the majority of schools, if not all schools, are involved in existing and effective programmes. Can you quantify that a little more and be a little more accurate with the percentage of schools that you are talking about?

[14] **Mr Guy:** That information would be with the Welsh Assembly Government—we would not have information about every school, although we obviously speak to our members, who make up the majority of headteachers in schools. I refer the committee to an extract from an Estyn report issued in May of this year:

[15] ‘All schools have improved the range of healthy food and drinks on offer in recent years. Almost all offer healthy options at breakfast clubs, tuck shops, snack bars, canteens and vending machines.’

[16] So, as far as Estyn is concerned, all schools have improved. From our conversations with members, it is our impression that all schools are getting involved, and there is already a statutory requirement to include diet and exercise in the curriculum through the Assembly Government’s personal and social education framework for 7 to 19-year-olds. There are also statutory minimum standards for schools set out in the Education (Nutritional Standards for School Lunches) (Wales) Regulations 2001. So, there is already ample regulation that schools are adhering to and using in the promotion of healthy eating.

[17] **Jeff Cuthbert:** You have largely answered my third question, which was about involving all schools. If this Measure was passed, all schools would have to be involved. However, you seem to be saying that that is more or less the case anyway. Is that fair?

[18] **Mr Edwards:** With the healthy schools initiative, schools take on a particular topic or project and have ownership of that through the curriculum. So, the children and the teachers are involved, and the project grows and becomes part of the ethos of the school, because it is developed from within. That is how many changes have taken place and have been embedded in schools in Wales—through the healthy schools network. This Measure is something that would be imposed, whereas the existing schemes grow and become part of the school.

[19] **Kirsty Williams:** I will just interrupt there, if I may. I appreciate what you are saying, but the school is reliant on the local authority for the food that it provides, is it not? What happens if you, as a headteacher, are dealing with a local education authority that is not part of an organic project working within a school and the local authority is providing the food to your children for lunch?

9.40 a.m.

[20] **Mr Guy:** The provision of school dinners or meals in schools is contracted either to the local authority or, in private finance schools, to another agency. Headteachers have no

indication or input as to the content of the meal or the menu. In fact, we have no jurisdiction within the school canteen. As a headteacher, to go into the school canteen, I would have to knock the door and ask the cook, 'May I come in please?'. It is not part of the jurisdiction of the headteacher. We have no control over it whatsoever.

[21] **Jeff Cuthbert:** Thank you for that. Those were extremely interesting points, and great food for thought—I am not making a pun there. Turning to UCAC, you appear to have a different point of view and you suggest that the Measure could 'support and strengthen existing initiatives'. Therefore, it appears that you think that there is a need for this Measure. Is that correct?

[22] **Mr Hughes:** Yn gyntaf, diolchaf am y cyfle i ddod ger eich bron i ymateb i'ch cwestiynau ynglŷn â'r Mesur hwn. Nid wyf ar fy ngorau y bore yma—cevais ŵyr bach am 7.10 a.m. a byddaf yn mynd yn syth yn ôl i'r gogledd i'w weld ar ôl hyn. Yr wyf wedi bod i fyny drwy'r nos, gyda'm gwraig yn ffonio ac yn y blaen, felly ymddiheuraf am hynny. Bydd Elaine yn cymryd yr awenau gan fwyaf.

**Mr Hughes:** First, thank you for the opportunity to appear before you and to respond to your questions on this Measure. I am not at my best this morning—I had a grandson at 7.10 a.m. and I will be going straight back to north Wales to see him after this. I have been up all night with my wife on the phone and so on, so I apologise for that. Elaine will mostly take the reins.

[23] I ateb eich cwestiwn, mae gennym amheuan ynglŷn a'r Mesur hwn. Nid ydym, fel undeb ac athrawon, yn hoffi cael ein deddfu a'n gorfodi i wneud pethau, ac mae nifer o fentrau yng Nghymru ar hyn o bryd sy'n cyflwyno bwyta'n iach i blant. Byddai'r Mesur hwn, os yw'n cydweithio â'r hyn sydd yn digwydd ar hyn o bryd, a'i gefnogi a'i gryfhau, yn sicrhau bod pob ysgol yng Nghymru yn edrych ar fwyta'n iach; byddai pob un ysgol yn gorfod gwneud hynny. Yr ydym wedi datgan ein pryder ynglŷn â dyblygu'r hyn sydd ar gael yn barod, ac un pwynt mae UCAC am ei wneud yw ein bod yn gobeithio, gan fod hwn yn Fesur, y bydd cyllid yn dilyn; bydd yn rhaid cyllido hyn yn iawn. Mae Mesur sydd yn gorfodi gwariant yn mynnu cyllid, lle nad yw'r mentrau eraill yn gwneud hynny, efallai.

To answer your question, we have some doubts about this Measure. As a union and as teachers, we do not like to be legislated or forced to do things, and there a number of initiatives in Wales at present that are introducing healthy eating to children. This Measure, if it works with what is happening at the moment, and supports and strengthens it, would ensure that all schools in Wales look at healthy eating; every school would be required to do so. We have expressed our concern about the duplication of what is already available, and one point that UCAC would want to make is that we hope, as this is a Measure, that funding will follow; this will have to be properly funded. A Measure that requires expenditure demands funding, whereas the other initiatives perhaps do not.

[24] **Ms Edwards:** Fel y dywedodd Iwan, nid oes gan benaethiaid reolaeth ar gynllun y prydau yn y ffreutur amser cinio; mae hynny gan ddarparwyr o'r tu allan. Efallai mai'r hyn y bydd y Mesur yn ei wneud yw sicrhau bod y darparwyr yn cael eu gorfodi i ddarparu bwyd iach. Ni allwch wneud pennaeth yn atebol am yr hyn sy'n digwydd yn y ffreutur o ran y fwydlen amser cinio, ond gallwch sicrhau bod darparwr yn atebol os oes Mesur mewn grym. Mae hynny'n rhywbeth i'w ystyried. Yr ydym yn ymwybodol y bydd yn gymhleth i'w weithredu, a bydd rhaid i'r

**Ms Edwards:** As Iwan said, headteachers do not have control over the meal plans in the canteen at lunch time; that lies with an outside provider. What the Measure could perhaps ensure is that those providers are required to provide healthy food. You cannot make a headteacher accountable for what happens in the canteen with regard to the lunch-time menu, but you can ensure that the provider is accountable if a Measure is in place. That is something to consider. We are aware that it will be complex to implement, and the Assembly will have to consider

Cynulliad ystyried popeth o ran y goblygiadau i ysgolion. Bydd yn rhaid ystyried sut mae ysgol yn cael ei rhedeg yn ystod y dydd, a phwy fydd yn atebol am beth, er mwyn sicrhau tegwch.

everything with regard to the implications for schools. How schools are run during the day, and who will be accountable for what, will have to be considered to ensure fairness.

[25] **Jeff Cuthbert:** My final question at this point is for both of you. A number of earlier presenters have suggested that this Measure is a little premature and that we should wait for the outcomes of 'Appetite for Life' and see where we are. What are your comments on that?

[26] **Mr Guy:** We totally agree with that. We would want to see evidence that the Measure is indeed needed and would improve the situation. It is premature, and we should wait for the outcome of 'Appetite for Life'.

[27] **Ms Edwards:** A oes dyddiad pendant ynglŷn a phryd bydd y canlyniadau'n barod? Gallai hynny effeithio ar a ydych yn barod i aros amdanynt neu beidio. Os mai blwyddyn yw, mae hynny'n un peth, ond os ydym yn siarad am dair, pedair neu bum blynedd o ymchwil bellach—

**Ms Edwards:** Is there a specific date for when the outcomes will be ready? That could affect whether you are willing to wait for them or not. If it is only a year, that is one thing, but if we are talking about three, four or five years of additional research—

[28] **Kirsty Williams:** It is a two-year project.

[29] **Jeff Cuthbert:** The Minister has indicated two years for the roll-out and then a review of the evidence.

[30] **Mr Hughes:** Yr ydym wedi pwysleisio bod angen ystyried yr hyn sydd eisoes yn digwydd ac mae hwn yn rhan ohono. Credaf fod gwerth i'r oedi er mwyn cael gwybod y canlyniadau fel bod hynny'n gwneud y Mesur yn fwy effeithiol.

**Mr Hughes:** We have emphasised the need to take into account what is already happening and this is part of it. I think that there would be value in delaying this in order to know the outcomes so that that can make the Measure more effective.

[31] **Irene James:** You have mentioned that headteachers have no control over the delivery of school meals, but section 1 of the proposed Measure is specifically concerned with the promotion of healthy eating. If you have no control over school meals, are you saying that you have no control over healthy eating either? You talked about tuck shops and so on, but surely school meals are part and parcel of healthy eating. Do you think that there are minimum requirements that headteachers should meet to fulfil the duty of promoting healthy eating? If so, should this proposed Measure be more specific and should it set minimum requirements?

[32] **Mr Guy:** The proposed Measure is concerned with the promotion of healthy eating by headteachers, but healthy eating does not only concern headteachers, but all teachers. We feel that it should include all teachers and that headteachers should not be singled out as having responsibility and accountability for this. Headteachers, schools and teachers are already promoting healthy eating. School dinners are just one part of the eating process in schools. It is a curriculum requirement, and Richard will tell us about the sort of thing that is going on in schools to promote healthy eating. It is also part of exercise programmes. When I was in post as a headteacher, I did not allow crisps to be sold in school. There were several reasons for that, but eating crisps is not seen to be healthy eating. However, we have no control over the food that parents give their children to eat at lunch time. When you look at the lunch boxes, you see that very unhealthy foods are being sent in from home, over which, again, we have no control. However, we promote healthy eating in school lessons.

[33] **Mr Edwards:** Food education can be found in science, physical education and personal and social education at the moment. Headteachers and schools already promote healthy eating. An interesting piece of research was undertaken by the Food Standards Agency Cymru in 2007, before the introduction of the national curriculum for 2008, looking at the current provision of food education in schools, which may be of interest. Schools can only specify nutritional standards, and circular No. 03/2003 already gives guidance on monitoring that.

[34] **Mr Guy:** One thing that concerns our members is that we will be inspected and measured on the promotion element of this. How can that be measured and what reference points will be used to do it? Will it be done according to an increase in the numbers? Headteachers, as you say, would be accountable for this in the inspection system. It is a matter of parental choice as to whether children do or do not take up school meals; we are not agents for the promotion of the school meal service. We can promote healthy eating, but, as far as schools are concerned, that is a whole-life issue. I could mention statistics, but when you think about the fact that children eat three meals a day and 21 meals a week, they only eat five of them in school if they take up the school meals option.

[35] **Kirsty Williams:** I will ask the UCAC representatives in a moment what they think about minimum requirements for promotion, but I will play devil's advocate first. You said, 'We do not need to do this; all headteachers and schools are doing it already and this is unnecessary', and you also said, 'This is a bureaucratic nightmare and is unfair and extra work for headteachers', but if it is already happening in your schools—and you say that it is—then you cannot have it both ways and say that this will result in an extra workload and extra bureaucracy by imposing something on you that you might be resistant to. Are there any comments on that?

[36] **Mr Edwards:** We are promoting food education at the moment and healthy eating. We are talking about school meals here—

[37] **Kirsty Williams:** No, we are not, because the Measure is about more than school meals; it is about a whole mindset that includes school meals but also includes the promotion of healthy eating and so on. So, it is not just about school meals, is it?

9.50 a.m.

[38] **Mr Edwards:** I would like to take up—[*Inaudible.*]—to do that, but, as educationists, we are involved in promoting healthy eating and wellbeing in schools. With the foundation phase, there will be more practical activity in schools and, yes, we will be looking towards that in the guidance for 'Appetite for Life'.

[39] **Mr Guy:** The promotion of healthy eating is happening, but once it becomes a statutory legal requirement, there will be boundaries placed on us that say, 'You must do this'. We do not do it in that way at the moment. As it stands, this can be adapted to suit every school and they can promote it in the way that they want through exercise programmes and physical education, and all of the activities that take place. However, if legislation is put in place, someone will then challenge a school, and we fear that if someone challenged a headteacher—

[40] **Kirsty Williams:** God forbid that we should challenge anyone, eh?

[41] **Mr Guy:** If someone challenged a headteacher and said, 'We, as parents, don't think that you are doing enough', it will not be long before there is a solicitor's letter on our desks. That is happening already in many areas.



[42] **Kirsty Williams:** Does UCAC have a view about minimum requirements to measure promotion activities?

[43] **Ms Edwards:** Mae gennym ofid ynglŷn â sut y bydd ysgolion yn cael eu mesur, a chredaf mai dyna lle mae biwrocratiaeth yn dod i mewn. Yr wyf yn gwybod y bydd disgwyl i bawb gael polisi, ac mae pawb yn gweithredu ar hynny ar hyn o bryd, ond y gofid mwyaf yw sut y byddant yn atebol am yr isafswm o bethau y byddant yn gorfod eu cyflawni. Mae'n bosibl bod mwyafrif yr ysgolion wedi dilyn y llwybr o gyflawni'r pethau hynny, ond unwaith yr ydych yn dweud y bydd Estyn yn gallu cael golwg ar bethau ac y bydd yn rhaid llunio adroddiad, mae'n rhaid gwybod hyd yr adroddiad hwnnw a pha mor fanwl y bydd yn rhaid iddo fod. Beth fydd yn digwydd os y bydd Estyn yn penderfynu nad ydych yn cyrraedd y safon? A fydd ysgolion yn cael eu beirniadu'n hallt, er bod popeth arall i safon uchel, ac efallai nad oedd cefnogaeth wedi bod? Dyna'r pryder sydd gennym ynglŷn â biwrocratiaeth ac ati, a'r llwyth gwaith ychwanegol a fydd yn dod wedyn i benaethiaid. Er eich bod wedi sôn eich bod am newid y Mesur i ddweud mai llywodraethwyr fydd yn adrodd, yn realistig, y pennaeth fydd yn casglu'r wybodaeth ac yn ei rhoi at ei gilydd.

**Ms Edwards:** We have a concern about how schools will be assessed, and I think that that is where bureaucracy comes into this. I know that everyone will be expected to have a policy, and that is already being implemented, but the main concern is how they will be accountable for the minimum level of things that they will have to achieve. It is possible that the majority of schools have already gone down the route of achieving those things, but once you state that Estyn will be able to look at this and a report will have to be done, we have to know the length of that report and how detailed it will have to be. What will happen if Estyn decides that you are not meeting the standards? Will schools be harshly criticised, even though everything else is of a high standard, and there may not have been support? That is the concern that we have about bureaucracy, and so on, and the additional workload that will fall on headteachers. Although you have mentioned changing the Measure to say that the governors will be reporting, realistically, it is headteachers who will collect and collate that information.

[44] **Irene James:** My next question is to UCAC. In your submissions, you highlight the need for all relevant authorities in section 1 to work together. Are you content that the proposed Measure adequately provides for that and, if not, how do you think that it could be achieved?

[45] **Mr Hughes:** Yr ydym wedi nodi bod angen hyblygrwydd o fewn y cydweithio, ond, ym marn UCAC, mae fframwaith yn y Mesur yn ddigonol ac yn rhoi cyfle i'r awdurdodau a'r ysgolion weithredu yn y dull sydd fwyaf addas iddynt, ac yr ydym yn meddwl mai rôl y Cynulliad yw nid yn unig monitro, ond hefyd hysbysebu'r Mesur a'i weithrediad yn genedlaethol, sy'n bwysig iawn, ond, yn bwysicach, addysgu rhieni a phlant am werth bwyta'n iach. Mae'n rhaid inni fod yn wylidwrus o lwyth gwaith penaeithiaid ac ymatebolrwydd penaeithiaid a llywodraethwyr ynglŷn â'r mater hwn, achos, fel y soniodd Elaine, mae'n anodd mesur ei lwyddiant. Credaf hefyd bod mwy o waith i'r awdurdodau lleol, gan fod yr arbenigedd yno

**Mr Hughes:** We have noted that there needs to be flexibility within the collaboration, but, for UCAC, the framework within the Measure is adequate and gives authorities and schools an opportunity to work in the most appropriate way for them, and we believe that the role of the Assembly is not only to monitor, but also to promote the Measure and its implementation nationally, which is important, but, more importantly, to educate parents and children on the importance of healthy eating. We have to watch the headteachers' workload and the accountability of headteachers and governors for this matter, because, as Elaine mentioned, it is difficult to measure its success. I also think that there is more work for local

i weld beth yw safon y bwyd sy'n dod i mewn, ac mae angen arweiniad gan y Cynulliad cyn belled ag y mae hynny yn y cwestiwn. Dyna safbwynt UCAC.

authorities, because that is where the expertise lies in assessing the quality of the food being provided, and we need guidance from the Assembly as far as that is concerned. That is UCAC's view.

[46] **Ms Edwards:** Mae un eithriad, efallai, o ran rhywun a allai fod mewn partneriaeth, a hynny yw unrhyw un sy'n darparu menter cyllid preifat mewn ysgol. Os oes gennych adeilad menter cyllid preifat, mewn rhai achosion, oherwydd natur y cytundeb pan adeiladwyd yr ysgol, y darparwr menter cyllid preifat sy'n gyfrifol am y peiriannau gwerthu yn yr ysgol. Nid oes hawl gan y pennaeth i ddweud mai dŵr a bwydydd iach yn unig a ddylai fod yn y peiriant gwerthu, felly, mae pethau fel *coke* yn y peiriannau. Nid oes rheolaeth o gwbl gan y pennaeth dros hynny, a rhaid ichi fynd i'r afael â hynny os ydych am sicrhau nad yw'r ysgolion—er efallai mai dim ond llond dyrnaid ohonynt sydd—yn cael eu heithrio os bydd y Mesur yn mynd yn ei flaen.

**Ms Edwards:** There is one exception, perhaps, in terms of someone who could be part of a partnership, and that is a private finance imitative provider in a school. If you have a PFI building, in some cases, because of the nature of the contract when that school was built, it is the PFI provider that is responsible for the vending machines in the schools. The headteacher has no right to say that only water and healthy foods should be sold from the vending machine, so there are things such as coke in those machines. The headteacher has no control over that, and you have to get to grips with that issue if you want to ensure that schools—even though there may only be handful of them—are not excluded if the Measure goes ahead.

[47] **Kirsty Williams:** Thank you.

[48] **Irene James:** Does the NAHT wish to add anything on that question?

[49] **Mr Guy:** Again, I wish to reiterate—[*Inaudible.*]—high schools, and we have members who are headteachers of such schools. They will be in a vulnerable position, because they will have to be accountable for something, as Elaine said, over which they have no control.

[50] **Irene James:** The question that I was going to ask next has been covered to a great extent already. It was on what additional burdens this Measure would impose on headteachers and governors in schools. So, I will move on to my next question. In giving evidence to the committee, Jenny Randerson implied that the benefits in physical and emotional health, and improvements in behaviour and learning, that would be brought about as a result of the section 1 duty to promote healthy eating would outweigh any additional burden on headteachers. What is your view on that?

[51] **Mr Guy:** It is an interesting perspective. Any burden on headteachers, no matter how great, seems to be excused if it is of benefit to others. There are times when the burden becomes too great. I received an e-mail yesterday from a headteacher, who said, 'If I have to monitor and report on nutritional standards as well, then I might as well give up'. However, there is agreement that there are emotional and physical benefits from healthy eating, and we try to instil a healthy eating pattern, but that pattern is often set before the children set foot in school. We then try to instil a way of looking at healthy living, and not just healthy eating—it is not just about healthy eating, but also how much you eat. As we stated in our written submission, school meals account for less than 25 per cent of children's meals per week, and we are using a sledgehammer—a word that Richard used—to look at this, when we have no control over the remainder of the time that a child is not in school, and they are in school for 190 days a year.

[52] **Ms Edwards:** Mae'n rhaid cofio hefyd na fydd gwelliannau yn digwydd dros nos—bydd unrhyw welliannau yn cymryd amser, ac ni fyddant yn digwydd oni bai eu bod yn effeithio ar batrwm bwyta plentyn y tu allan i'r ysgol. Felly, mae'n bwysig ystyried sut y byddwch yn cyrraedd rhieni y tu allan i'r ysgol. Mae problem gennym yn y wlad hon o ran bwyta'n iach a'r effeithiau ar iechyd, ac os nad ydych yn cyrraedd y rhieni hefyd ni fydd unrhyw Fesur yn gweithio mor effeithiol ag y gallai. Mae'n rhaid cofio hefyd mai grwpiau gwahanol o bobl ydym—mae penaethiaid yn gyfrifol am y plant, ond y plant fydd yn elwa, a'r pennaeth o bosibl yn cael llwyth gwaith ychwanegol; effeithir ar natur ei ddiwrnod ysgol oherwydd hynny. Yn y pen draw, gallai hyd yn oed effeithio ar ei iechyd, gan mai nid dyna'r unig beth y bydd yn gorfod ymdrin ag ef. Bydd y Mesur teithio i blant yn cael rhywfaint o effaith cyn bo hir eto. Mae cyfreithiau newydd yn cael eu cyflwyno drwy'r amser ynglŷn â chyflogaeth ac mae rheoliadau diogelu plant yn newid yn gyson, felly mae'n rhaid i benaethiaid gofio'r holl bethau hyn a'u gweithredu. Felly, mae'n rhaid i unrhyw Fesur ystyried yr hyn sydd yn realistig yn yr ysgol ac yn swyddfa'r pennaeth.

[53] **David Lloyd:** Mae gennyf gyfres o gwestiynau ar fanylion y Mesur. Yr ydych wedi crybwyll rhai o'r materion eisoes, ond teimlwch yn rhydd i'w hailadrodd pan ddaw'r cwestiwn penodol. Mae'r cwestiwn cyntaf i UCAC. Gyda llaw, llongyfarchiadau i'r ddau undeb ar eich cyflwyniadau ysgrifenedig, sydd ger bron. Yng nghyflwyniad UCAC, yr ydych yn cwestiynu'r angen i awdurdodau perthnasol feddwl am gyngor gwyddonol dibynadwy a pherthnasol. Gan eich bod yn cwestiynu'r angen hwnnw i dderbyn cyngor annibynnol gwyddonol, a fyddai'n well i'r ddyletswydd honno fod ar ysgwyddau Gweinidogion y Llywodraeth, yn hytrach nag arnoch chi?

10.00 a.m.

[54] **Mr Hughes:** Yn bendant, arweiniad gan y Gweinidog ddylai gael blaenoriaeth, wrth gofio bod unrhyw arweiniad i fod yn ymarferol, ond bydd yn rhaid i'r Cynulliad ddarparu hynny. Os ydym yn sôn am arbenigedd o ran bwyta'n iach a bwydydd

**Ms Edwards:** It must also be remembered that improvements will not happen overnight—any improvements will take time, and will not happen unless they have an impact on a child's eating pattern outside the school. So, it is important for you to consider how you will reach parents outside the school. We have a problem in this country with healthy eating and the effects on health, but if you do not also reach the parents, no Measure will work as effectively as it could. It must also be remembered that we are different groups of people—headteachers are responsible for the children, but it is the children who will benefit, and the headteacher may have an extra workload and the nature of his school day will be affected because of that. Ultimately, it could even affect his health, because that is not the only thing that he will have to deal with. The travel Measure for children will have some effect in due course. New employment laws are being introduced constantly and child protection regulations change regularly, so headteachers have to remember all of these things and implement them. So, any Measure must consider what can be realistically achieved in the school and in the headteacher's office.

**David Lloyd:** I have a series of questions on the details of the Measure. You have already mentioned some of the issues, but feel free to reiterate them when the specific question comes. The first question is to UCAC. By the way, congratulations to both unions on your written presentations that are before us. In UCAC's presentation, you question the need for relevant authorities to consider relevant and reliable scientific advice. Since you question that need to receive independent scientific advice, would it not be better for that duty to be placed on the shoulders of Government Ministers, rather than on yours?

**Mr Hughes:** Guidance from the Minister should certainly be given priority, remembering that any guidance should be practical, but the Assembly will have to provide that. If we are talking about expertise in terms of healthy eating and healthy foods,

iach, fel yr ydych i gyd yn gwybod, yr hyn sy'n iach heddiw fydd yn afiach yfory. Mae'n rhaid i rywle fod yn gyfrifol am yr arbenigedd hwnnw ac am roi arweiniad. Ni allwch ddibynnu ar y 22 awdurdod gan nad oes ganddynt yr arbenigedd hwnnw, i fod yn hollol onest, oherwydd maint yr awdurdodau a'r problemau staffio sydd gan rai ohonynt. Byddai'n rhaid i'r Cynulliad roi'r arweiniad hwnnw yn bendant.

[55] **David Lloyd:** Symudwn ymlaen yn awr at y ddyletswydd i ymgynghori. Mae'r cwestiwn i'r NAHT yn ogystal ag i UCAC. Yn sylfaenol, a ydych yn credu bod y ddyletswydd ar gyrff llywodraethol, penaeithiaid a Gweinidogion y Llywodraeth i ymgynghori yn mynd yn ddigon pell neu a ydych yn credu bod gwerth mewn ymgynghori ehangach, er enghraifft gyda rhieni a gofalwyr, er mwyn hybu partneriaeth yn hyn o beth?

[56] **Mr Guy:** Gallai hynny olygu ymgynghori tair gwaith, gan y pennaeth, y llywodraethwyr a'r Cynulliad ei hun. Ai un ymgynghoriad fyddai, ynteu tair? Mae cost aruthrol i drefnu ymgynghoriad o'r fath. Beth fyddai'r cwestiynau? Pe bawn i, fel pennaeth, yn gorfod anfon holiadur allan i ymgynghori, pa gwestiynau a ddylwn eu gofyn? Nid wyf yn arbenigwr ar fwyd. Yr wyf yn hoffi bwyd; nid wyf yn coginio, ond yr wyf yn gwybod beth yw bwyd da pan fyddaf yn ei fwyta. Pa gwestiynau a ddylwn eu gofyn? Wedi ymgynghori, beth pe bai'r mwyafrif o blaid bwyd nad yw'n iach ym marn y pennaeth neu pwy bynnag fyddai'n gofyn? Nid wyf yn teimlo bod angen ymgynghori. Mae gennym gynrychiolwyr ar y llywodraethwyr eisoes o'r tu mewn i'r ysgol, er mwyn iddynt wybod beth sy'n mynd ymlaen. Yr wyf yn gwybod bod Richard am gael gair.

[57] **Mr Edwards:** If there is a requirement to consult, again you have to think about how you are going to fund this, because there will be a burden on school finances, time and resources. You have to identify who the parents are, and there can be up to two or even more parents and they may or may not be contactable by student post and therefore there are postage costs involved. Also, there are photocopying costs and costs for the time of support staff involved in producing the questionnaires. How often would these questionnaires go out? Would it be termly, yearly, or every two to three years? At what stage in the school cycle would they be sent out? I support what Iwan has been saying.

[58] **David Lloyd:** A yw UCAC am ddweud unrhyw beth ar y pwynt hwn ynglŷn

as you all know, what is healthy today will be unhealthy tomorrow. Somewhere has to be responsible for that expertise and for giving guidance. You cannot rely on the 22 authorities, as they do not have that expertise, to be honest, because of their size and the staffing problems that some of them have. The Assembly would definitely have to provide that guidance.

**David Lloyd:** We will now move on to the duty to consult. The question is to the NAHT as well as to UCAC. Basically, do you believe that the duty on governing bodies, headteachers and Government Ministers to consult goes far enough or do you think that wider consultation would be valuable, for example with parents and carers, in order to promote a partnership on this?

**Mr Guy:** That could mean consulting three times, by the headteacher, the governing body and the Assembly itself. Would there be one consultation or three? A horrendous cost would be incurred in arranging such a consultation. What would the questions be? If I, as a headteacher, had to send out a questionnaire to consult, what questions should I ask? I am not an expert on food. I like food; I do not cook, but I recognise good food when I eat it. What questions should I ask? After the consultation, what if the majority were in favour of food that is unhealthy in the eyes of the headteacher or whoever was asking? I do not feel that there is a need to consult. We already have representatives on the governing body from within the school, so that they can know what is going on. I know that Richard wants to say something.

**David Lloyd:** Does UCAC wish to say anything on this point about consultation?

ag ymgynghori?

[59] **Ms Edwards:** Yr ydym yn bendant yn cytuno â'r gofid hwnnw ynglŷn â'r gost ychwanegol. Hefyd, mae rhieni sydd bob amser yn anodd eu cyrraedd, nad ydynt yn troi fyny i nosweithiau rhieni nac yn ymateb i bost gan benaethiaid—rhieni nad ydynt yn cymryd cymaint â hynny o ddiddordeb yn yr hyn sy'n digwydd yn yr ysgol. Weithiau, dyna'r math o rieni sydd angen i chi eu cyrraedd yn fwy nag unrhyw un arall. Mae bron yn amhosibl i'w wneud. Fy nheimlad i'n bersonol—efallai nad barn UCAC yw hwn—yw bod angen rhywbeth mwy cenedlaethol i gyrraedd rhieni, er enghraifft hysbysebion a fydd yn eu cyrraedd o ran eu hiechyd eu hunain ac a fydd yn rhoi gwybodaeth iddynt am rywbeth sy'n digwydd yn yr ysgol i wella iechyd eu plant. Ni ddylai fod disgwyl i'r ysgol dreulio amser ac arian addysg ar hyn, gan gofio nad addysg yn unig fydd yn elwa yn y pen draw os y byddwn yn gwella iechyd ein plant. Mae goblygiadau yn y fan hon i fyd iechyd ein gwlad, i'r gwasanaeth iechyd, ac i wasanaethau cymdeithasol yn y pen draw. Yn bendant, os yw hyn yn mynd rhagddo, teimlwn nad o bwrs addysg y dylai'r arian ddod oherwydd, yn y pen draw, bydd hyn yn arbed llawer o arian i wasanaethau eraill y gymuned.

[60] **Mr Hughes:** Yr ydym wedi pwysleisio bod angen i'r Cynulliad ymgymryd ag ymgyrch genedlaethol i godi ymwybyddiaeth. Rhan o hynny fyddai addysgu rhieni ynglŷn â phwysigrwydd bwyta'n iach. Os byddwch yn ymgynghori'n llawn â hwy ar y cychwyn, heb iddynt gael eu haddysgu am ei werth, efallai y byddai'r ymateb yn wahanol i'r hyn y byddai ar ôl iddynt gael eu haddysgu. Mae eisiau eu cynnwys, yn bendant, fel eu bod yn rhan o'r peth, ond fel y nodwyd, pe baent yn ymateb i'r ymgynghoriad drwy ddweud, 'Na, yr ydym eisiau pysgod a sglodion bob dydd', sef y profiad yn Lloegr, byddai problem wedyn o ran y ffordd ymlaen.

[61] **David Lloyd:** Diolch am hynny.

**Ms Edwards:** We certainly agree with that concern about the additional cost. Also, there are always parents who are hard to reach, who do not turn up to parents' evenings and who do not respond to letters from headteachers—parents who do not take that much interest in what is happening in the school. Sometimes, they may be exactly the type of parents that you need to reach more than anyone else. It is almost impossible to do. My personal view—this may not be UCAC's view—is that something more national is needed to reach parents, for example advertisements about their health that will reach them and will tell them something about what is happening in the school to improve the health of their children. There should be no need for the school to spend education time and money on this, bearing in mind that it is not only education that will benefit in the end if we improve the health of our children. There are implications here for the health of our nation, for the health service and for social services ultimately. Certainly, if this is carried through, we feel that the money should not come from the education pot because, ultimately, this will save a lot of money for other community services.

**Mr Hughes:** We have emphasised that there is a need for the Assembly to undertake a national campaign to raise awareness of this. Part of that would be educating parents about the importance of healthy eating. If you consult with them fully at the start, without their being educated about its value, perhaps the response would be different from what it would be after they are educated. They need to be included, definitely, so that they are a part of it, but as was noted earlier, if they were to respond to the consultation by saying, 'No, we want fish and chips every day', as was the experience in England, you would then have a problem with the way forward.

**David Lloyd:** Thank you for that.

[62] **Mr Edwards:** May I say one more thing about that? If you are consulting, the largest group will be the parents, if you get a lot of responses back. Therefore, some advice would have to be requested on the weighting given to the consultations, because you would have

governors, teachers, the school council and parents responding, and you might get more comments from parents, outweighing the number of comments made by the school council. You would therefore have to have some advice on the weighting given to the different bodies; after all, the school council represents the children who will be the ones eating the food provided.

[63] **David Lloyd:** Diolch am hynny. Symudwn ymlaen yn awr. Mae cwestiwn arall am bapur UCAC—adran wahanol y tro hwn. Yn eich cyflwyniad, bu ichi awgrymu bod angen, yn naturiol, ddealltwriaeth ddamcaniaethol o fwyta'n iach—a sôn am y disgyblion yr wyf—ond hefyd sgiliau ymarferol i baratoi prydau iach. A ydych yn credu bod y ddyletswydd a geir yn adran 2, i Weinidogion y Llywodraeth hybu bwyta'n iach yn y cwricwlwm, yn ddigon penodol a chryf?

**David Lloyd:** Thank you for that. We will now move on. There is another question on UCAC's paper, which concerns a different section this time. In your presentation, you suggested that, naturally, a theoretical understanding is needed of healthy eating—and I am talking about the pupils—but also that practical skills are needed to prepare healthy meals. Do you think that the duty in section 2, for Government Ministers to promote healthy eating in the curriculum, is specific and strong enough?

[64] **Mr Hughes:** Yr ydym yn dweud nad drwy eu bwydo â ffeithiau mae plant yn dysgu bob tro, yn enwedig yn y cyfnod sylfaen. Mae eisiau profiadau ymarferol i blant ddysgu. Wrth fentro a cheisio ennill y profiadau, bydd plant yn dysgu drostynt eu hunain ynglŷn â bwyta'n iach.

**Mr Hughes:** We say that it is not by force-feeding them facts that children learn, especially during the foundation phase. Children need practical experience to learn. By having a go and trying to gain experience, children will learn for themselves about healthy eating.

[65] Mae ymdeimlad ymysg llawer o athrawon, yn enwedig athrawon cynradd, fod rheolau iechyd a diogelwch yn eu cadw rhag gwneud dim ymarferol yn y dosbarth gyda'r plant. Clywais am un achos yn ddiweddar o athrawes a chanddi flynyddoedd o brofiad yn gwneud crempog neu bancos—beth bynnag yr ydych yn eu galw yma—i'r plant meithrin a'r dosbarth derbyn. Dywedodd y pennaeth wrthi na châi wneud hynny eleni am resymau iechyd a diogelwch. Mae'n drueni bod y plant hynny wedi colli'r profiad. Efallai nad yw'r bwyd hwnnw'n hollol iach, ac nid wyf yn dweud ei fod, ond maent wedi colli'r profiad o wneud rhywbeth iachach hefyd. Mae'n bwysig bod arweiniad yn dod gan y Cynulliad ynghylch gwella hawl pobl i gael dysgu drwy brofiad, ac nid dysgu am y ffeithiau yn unig, ond dysgu yn ymarferol am yr hyn y maent yn gallu ei wneud, fel y gallant ei werthfawrogi a cheisio ei wneud gartref efallai.

There is a feeling among many teachers, especially primary school teachers, that health and safety regulations prevent them from doing anything practical with the children in the classroom. I heard of a case recently in which a teacher of many years' standing was making pancakes—I am not sure whether you say *crempog* or *pancos* around these parts—for the children in the nursery and reception classes. The headteacher told her that she was not allowed to make them this year on health and safety grounds. It is a pity for those children to miss out on that experience. The food in that example might not be terribly healthy, but they have missed out on the experience to do something healthier as well. It is important that the Assembly gives guidance with a view to enhancing people's right to learn by experience, and not just to learn about facts, but about the practicalities of what they can do so that they can appreciate it and perhaps try it out at home.

[66] **Ms Edwards:** Rhaid cofio hefyd am yr angen i unrhyw beth yr ydych yn disgwyl ei roi yn y cwricwlwm fod yn gyraeddadwy. Mae'r cwricwlwm newydd gael ei newid.

**Ms Edwards:** It must be remembered that anything that you expect to include in the curriculum has to be attainable. The curriculum has just been changed. Teachers

Mae athrawon yn blino ar fynd drwy'r broses o ymgynghori dim ond i bethau gael eu newid eto gan orfodi iddynt baratoi o'r newydd.

get fed up of going through the consultation process only for things to change yet again, meaning that they have to start from scratch.

[67] Un o'r gofidiau a godwyd yn ein cynhadledd eleni oedd prinder yr athrawon technoleg bwyd, sef y bobl â'r arbenigedd, yn enwedig yn y sector uwchradd, i ddysgu hyd at lefel TGAU ac ymhellach. Dywedodd athrawes ifanc wrthym yn ddiweddar ei bod yn athrawes dechnoleg, ond ar yr ochr fetel a deunyddiau felly yr oedd ei harbenigedd hi, ond bod pwysu arni yn awr i ymgymryd â gwersi technoleg bwyd y flwyddyn nesaf am fod neb arall ar gael yn yr ysgol i'w wneud. Yr oedd yn dweud bod rheolau iechyd a diogelwch bwyd yn hollol wahanol i'r rheolau ar gyfer gwaith metel. Felly, nid yw'n barod i wneud y gwaith newydd hwn. Mae hyn yn digwydd oherwydd nad oes cyrsiau nac athrawon yn y pwnc hwn, a thros y blynyddoedd, mae'r pwnc wedi cael ei redeg i lawr, ac yr ydym yn gweld ffrwyth y polisi hwnnw yn awr. Os nad ydym yn rhoi cyfle i blant ddysgu'n ymarferol sut i baratoi eu bwyd eu hunain, bydd unrhyw fuddsoddiad ar hyn o bryd i ddysgu'r theori iddynt yn mynd yn wastraff.

One concern that was raised at our conference this year was about the shortage of food technology teachers, who are the people who have the expertise, especially in secondary education, to teach to GCSE level and beyond. One young teacher told me recently that, although she is a technology teacher, her expertise is in metalwork and similar materials, and yet she is now under pressure to take on food technology lessons next year as there is no-one else available in the school to do it. She told me that the health and safety rules for food are completely different from the rules for metalwork. So, she is not ready to do that new work. This is happening because there are neither courses nor teachers in that subject, and, over the years, the subject has been run down, and we are now seeing the consequences of that policy. Without giving children the opportunity to learn, hands-on, how to prepare their own food, any investment that you make at this time to teach them the theory will be in vain.

[68] **Mr Guy:** I reiterate Elaine's comments. There are no longer colleges in Wales that train teachers in cooking skills—and I mean that in the old-fashioned way. There are no such colleges or training facilities in Wales at all.

[69] Coupled with that, Gruff is right about teachers doing these activities with children in the classroom. My speciality at Christmas-time was making Swiss rolls to make Christmas logs. I probably would not be allowed to do that now on health and safety grounds.

10.10 a.m.

[70] However, added to that, the foundation phase has requirements for the food element of it, and, if this Measure is passed as it stands, teachers would have to ensure that all nutritional standards—the amount of fat, sugar, salt, and so on—were being adhered to, or they could find themselves facing litigation from a parent who did not agree with something. Unfortunately, that is how things are going in schools. It could be challenged in the courts.

[71] **David Lloyd:** Mae'r cwestiwn nesaf i'r NAHT ac UCAC. Yr ydych i gyd wedi cyffwrdd â hyn eisoes, ond mae gennyf un cwestiwn penodol. Beth yw'ch teimladau am y diffiniad o fyta'n iach yn adran 3 y Mesur arfaethedig?

**David Lloyd:** The next question is to the NAHT and UCAC. You have all mentioned this already, but I have one specific question. What are your views on the definition of healthy eating in section 3 of the proposed Measure?

[72] **Mr Guy:** Yr wyf wedi ei ddarllen, ac mae'n edrych yn iawn i mi, ond nid wyf yn

**Mr Guy:** I have read it, and it looks okay to me, but I am not qualified to pass judgment

gymwys i ddatgan barn am yr hyn sy'n iach. Fel y dywedodd Gruff, efallai na fydd rhywbeth sy'n iach heddiw yn iach yfory, ond mae'n edrych yn eithaf teg i mi fel lleygwr.

[73] **Ms Edwards:** Un pwynt a wnaeth Gruff pan oeddem yn trafod hyn oedd mai lleihau'r drwg yr ydym yn ei wneud, ond ni allwn ei ddileu yn gyfan gwbl.

[74] Yn adran 3(c), sonnir am beidio â niweidio'r amgylchedd, ac ati. Os ydym yn sôn am ddarparu dŵr mewn ysgolion a hwnnw'n dod mewn poteli, rhaid i ni fod yn ymwybodol o effaith hynny ar yr amgylchedd, o ran y poteli plastig, ac ati.

[75] **David Lloyd:** Mae gennyf ddau gwestiwn yr ydych eisoes wedi eu hateb yn rhannol, felly gallwch roi atebion byr. Fel yr ydych wedi ei ddweud eisoes, mae'r gofyniad i adrodd yn adran 4 wedi ei ddiwygio ers y gwreiddiol. Y gofyniad yn awr yw i gyrff llywodraethol adrodd ar fwyta'n iach yn rhan o'r system adroddiadau blynyddol bresennol. Felly, a ydych wedi cael eich cysuro o ran eich pryder ynghylch baich gweinyddol y Mesur hwn?

[76] **Mr Guy:** Nac ydym.

[77] In practice, as Elaine has already mentioned, it is the headteachers who would be collating the initial report to give to governors. We feel that governors are unpaid volunteers in schools. How can they be expected to undertake the task if it is a statutory requirement? How will they monitor it, let alone judge nutritional standards? Neither heads nor governors are trained for this role.

[78] **Mr Hughes:** Yr ydym yn bryderus am y llwyth gwaith. Nid ydym yn hapus bod llywodraethwyr yn gorfod paratoi'r adroddiad oherwydd yr amodau y soniodd Iwan amdanynt. Hefyd, yr ydym fel undeb o blaid cael gwared ar y cyfarfod cyhoeddus blynyddol oherwydd y niferoedd sy'n mynychu. Ymhellach i hynny, pan ydych yn llythyru ac yn anfon yr adroddiad allan, faint o bobl sy'n eu darllen? Nid yw'r bobl sydd wir angen eu darllen yn gwneud hynny, sef y rhai yr ydych eisiau cysylltu â hwy. Felly, mae'n achosi pryder o ran llwyth gwaith athrawon. Pe bai'n rhaid gwneud adroddiad, byddwn yn argymhell ei wneud am y tair blynedd cyntaf, tra bod hwn yn cael ei gyflwyno, ac wedyn ei wneud unwaith i

on what is healthy. As Gruff said, what is healthy today might not be seen as healthy tomorrow, but it looks quite fair to me, as a layman.

**Ms Edwards:** One point that Gruff made when we were discussing this was that we are reducing the bad stuff but we cannot get rid of it completely.

Section 3(c) mentions not damaging the environment, and so on. If we are talking about providing water to schools and that that comes in bottles, we have to be aware of the environmental effects of that, of plastic bottles, and so on.

**David Lloyd:** I have two questions, which you have already partly answered, so you can provide brief answers. As you have already said, the reporting requirement in section 4 has been amended since the original. The requirement is now for governing bodies to report on healthy eating as part of the current system of annual reporting. Therefore, does that address your concerns about the bureaucratic burden of this Measure?

**Mr Guy:** No.

**Mr Hughes:** We are concerned about the workload. We are not happy that governors have to prepare the report because of the conditions that Iwan has just mentioned. We as a union are also in favour of getting rid of the annual public meeting because of the numbers that turn up. Furthermore, when you send out letters and the report, how many people read them? Those who truly need to read them, the ones whom you want to contact, do not do so. So, it is a cause for concern with regard to the workload of teachers. If it were a requirement to produce a report, we would suggest that it be done over the first three years, while this Measure was being introduced, and then just once to prepare for an Estyn inspection, with the



baratoi ar gyfer arolwg gan Estyn, gyda assistance, support and expertise of the chymorth, cefnogaeth ac arbenigedd yr authority, and so on. awdurdod ac ati.

[79] **Kirsty Williams:** How do you square what you have just said on governing bodies with the evidence given to us by Governors Wales, which supports that change? Governors Wales says that it believes that that change should go ahead.

[80] **Mr Hughes:** Yn fy mhrofiad i â phenaethiaid, nid y llywodraethwyr sy'n paratoi'r adroddiad; ei gyflwyno y maent hwy, a'r pennaeth sy'n ei baratoi ac sy'n gwneud yr ymchwil. Dyna'r broblem—llwyth gwaith ychwanegol i'r pennaeth fydd hwn, nid i'r llywodraethwyr. Yr wyf yn synnu nad yw Llywodraethwyr Cymru wedi ymgynghori â'u penaethiaid wrth drafod hyn, oherwydd mae pryder ynglŷn â'r llwyth gwaith ychwanegol i benaethiaid.

**Mr Hughes:** In my experience of headteachers, it is not the governors who produce the report; they present it, but it is the headteacher who prepares it and does all the research. That it the problem—this will be an additional burden on headteachers, not on governors. I am surprised that Governors Wales has not consulted with its headteachers in discussing this issue, because there are concerns about the additional workload for headteachers.

[81] **David Lloyd:** Mae gennyf un cwestiwn olaf yn y gyfres hon o gwestiynau. Yr ydych eisoed wedi crybwyll y system arolygu, a'r gofyniad i adrodd i'r arolygwyr sut mae ysgol yn hybu bwyta'n iach. Yr ydym wedi clywed am eich pryder bod y Mesur hwn yn ei gwneud yn rheidrydd i hybu bwyta'n iach yn rhan o'r system arolygu. A allwch bwysleisio eto beth yw'ch pryderon, neu a ydynt yn seiliedig ar ba ganllawiau fyddai'n cael eu defnyddio i fesur unrhyw gynnydd o ran bwyta'n iach?

**David Lloyd:** I have one final question in this series of questions. You have already mentioned the inspection regime, and the requirement to report to the inspectors how a school promotes healthy eating. We have heard of your concerns that this Measure will make it a requirement to promote healthy eating as a part of the inspection regime. Can you emphasise again what your concerns are, or are they based on what guidelines would be used to measure any progress on healthy eating?

[82] **Ms Edwards:** Mae sawl peth yn codi. Un peth yw sut y gallwch fesur y cynnydd, gan fod cynifer o ffactorau y tu hwnt i reolaeth yr ysgol. Yr unig bethau y gallech eu mesur fyddai polisiâu'r ysgol ac ymdrech yr ysgol. Mae pethau eraill, fel y gost o ychwanegu rhywbeth arall at y system arolygu. Pwy fydd yn arolygu hynny? Bydd angen arbenigwyr. Yr ydym yn gwybod yn barod am feysydd y mae'n anodd ofnadwy cael arolygwyr sy'n gallu gwneud y gwaith ynddynt—yn y sector cyfrwng Cymraeg, er enghraifft. O ble y byddwn yn cael pobl i'w arolygu? Byddwn yn gorfod dod o hyd i arbenigwyr bwyd a'u hyfforddi yn arolygwyr, neu ddod o hyd i arolygwyr sydd â rhywfaint o ddiddordeb, a'u hyfforddi hwy i fod yn arbenigwyr bwyd mewn prin amser. Felly, mae hynny yn ofid, a bydd y cyfan yn arwain at gost ac at rywbeth ychwanegol i adrodd arno o fewn yr ysgol nad ydyw o fewn rheolaeth y pennaeth na'r staff. Nid oes

**Ms Edwards:** There are a number of issues. One is how you would measure the progress when so many factors are outside the school's control. The only things that you could measure would be school policies and the effort that the school was making. There are other issues, such as the cost of adding another requirement to the inspection regime. Who will carry out these inspections? They will require expertise. We already know of areas in which it is extremely difficult to find inspectors who can carry out the work—the Welsh-medium sector, for example. Where will we find people to inspect this? We would have to find nutritional experts and train them to be inspectors, or find inspectors with a degree of interest in this and train them to be nutritional experts in a short period of time. Therefore, that is a concern, and it will all lead to more cost and to an additional reporting requirement for schools for something that is not under the control of the

modd bod yn atebol am safonau bwyta'n iach yn yr un ffordd ag y gallwch fod am safonau mewn pynciau fel y Gymraeg, Saesneg neu Ffrangeg. headteacher or the staff. You cannot be accountable for healthy eating standards as you can be for standards in subjects like Welsh, English or French.

[83] **Mr Guy:** I agree entirely with what Elaine said. On the cost, it has been estimated that it will cost between £100,000 and £250,000 per annum for Estyn to include this in the inspection system. There are training elements involved in finding inspectors, as Elaine said, and, at a time when the foundation phase is facing difficulties, will this money be found from the education budget or the health budget? The intention or the theory is that the ultimate benefit of this will be to the health service. Inspecting this in the way that is intended will penalise schools in deprived areas that are already facing challenges and difficulties in this area.

[84] **Kirsty Williams:** The reality is that section 5 of the proposed Measure requires the chief inspector of schools to report only on the extent to which the general duty of promotion is being met. My understanding of section 5 is that it does not require the inspector to make judgments with regard to nutritional standards, and so inspectors would not be required to know the salt and fat content of foods, and so on. It is a general requirement to inspect how the promotional activities are being met rather than to inspect individual standards. Is that not how you read section 5?

[85] **Mr Guy:** No.

[86] **Ms Edwards:** Mae'r memorandwm esboniadol yn sôn am yr angen am arbenigwyr ym maes bwyta'n iach i fod yn rhan o dimoedd arolygu. Os ydych yn gywir mai dyletswydd gyffredinol iawn yw hon, mae memorandwm esboniadol y Mesur yn gamarweiniol. **Ms Edwards:** The explanatory memorandum refers to the need for experts in the area of healthy eating to form a part of the inspection teams. If you are correct that this duty is intended to be very general, the explanatory memorandum to the Measure is misleading.

[87] **Mr Guy:** Mae Estyn yn adrodd yn gyffredinol ar hyn yn barod, fel y crybwyllais ar y dechrau. **Mr Guy:** Estyn already reports on this in general, as I mentioned at the outset.

[88] **Kirsty Williams:** I call on Andrew, who has questions on section 7.

[89] **Andrew R.T. Davies:** Congratulations on becoming a grandfather, Mr Hughes, and thank you for coming along this morning. I have a couple of questions for both parties. The first is on the increased level of regulations that specify the maximum levels of fat, salt, sugar and artificial additives in food. How do you believe that this stepping up to more stringent nutritional standards will affect headteachers?

[90] **Mr Guy:** We may have already answered that question in part. We have no control over that, and, if we pass on the provision of food to a third party, that third party would have to be answerable for those matters. National food standards would be set down—or should be—and so the providers of food in schools would have to meet those standards. However, headteachers are in no position to monitor, check or respond to that.

[91] **Kirsty Williams:** Forgive me if I am getting this wrong, but would there ever be a circumstance in which the budgets for school meals would be devolved to the governing body and that the governing body would be responsible for the commissioning of those services? If that were the case, it would fall to the headteacher to do that, given that the headteacher is doing everything for the governing body.

10.20 a.m.

[92] **Mr Guy:** It is not devolved in the primary sector at the moment, because it chooses not to have it; it remains with the local education authority. However, secondary schools have the devolved budget, and they can commission the provider for the meal.

[93] **Kirsty Williams:** What role would the headteacher have in that arrangement? You are saying that the headteacher has no say over the food that is provided, but if the budget is devolved to the governing body and it is making the arrangements, then headteachers would be intimately involved in those commissioning decisions, would they not?

[94] **Mr Guy:** The contracts would be issued, but those contracts are drawn up with the assistance of the LEA. That is where the expertise lies. The school would be administering, but has no expertise to lay down the standards.

[95] **Kirsty Williams:** So, where the budget is devolved to the governing body to make those commissioning and purchasing arrangements, the headteacher would have no input into that?

[96] **Mr Guy:** No.

[97] **Andrew R.T. Davies:** They would still rely on the LEA to do that.

[98] **Mr Guy:** Yes, or in PFI schools, if it is not the LEA, the contract of requirement would be drawn up by the LEA. Bearing in mind the number of regulations that relate to the provision of food, no headteacher would be capable of being, or would want to be, involved in that process.

[99] **Mr Hughes:** Cytunaf â hynny.

**Mr Hughes:** I agree with that.

[100] **Andrew R.T. Davies:** With the big bang approach that some people would like to see in relation to more stringent nutritional requirements for school meals, there is a real danger that you will see a big decrease in the uptake of school meals, as has been seen in England. We can all recall the image of mothers pushing chips through school fences and taking orders.

[101] **Jeff Cuthbert:** That was in only one school.

[102] **Andrew R.T. Davies:** It was one school, but the evidence was there, and the press coverage was quite powerful. Jenny Randerson seems to be proposing a more incremental approach with regard to bringing in these measures. Would you support that more incremental approach? This question is to the both of you.

[103] **Mr Hughes:** Cytunaf fod yn rhaid cyflwyno hyn yn raddol. Mae'n rhaid i ni ddysgu gwersi o'r hyn sydd wedi digwydd mewn manau eraill. Unwaith eto, mae diffyg o ran addysgu pobl am werth yr hyn sy'n cael ei gyflwyno i'r plant. Mae hynny'n bwysig i'r rhieni hefyd. Er bod yn rhaid dod â hwn i mewn yn raddol, ni wn sut y byddech yn gwneud hynny. Efallai y byddai'n bosibl newid un pryd yr wythnos am gyfnod. Yr ydym yn gwybod am un ysgol lle mae'r ffretur yn llawn ar ddydd Gwener pan fydd

**Mr Hughes:** I agree that this needs to be brought in gradually. We have to learn lessons from what has happened elsewhere. Once again, there is a deficiency in terms of educating people about the value of what is served to the children. This is also important for the parents. Although this has to be brought in gradually, I do not know how you would do that. Perhaps it would be possible to change one meal per week for a specific period. We know of one school where the canteen is full on Fridays when it serves

yn gwerthu sglodion, ond nid yw hynny'n wir am weddill yr wythnos.

chips, but that is not the case during the rest of the week.

[104] Mae'n anodd cyflwyno hyn. Mae angen ei wneud mewn ffordd sensitif a gofalus, ac mae'n rhaid sicrhau bod yr hyn sy'n cael ei gynnig nid yn unig yn iach, ond yn flasus ac yn ddeniadol, ac wedi ei gyflwyno mewn ffordd ddeniadol. Mae angen hyfforddi'r cwmnïau sy'n paratoi'r bwydydd. Felly, mae angen ei wneud yn raddol; mae'n amhosibl ei wneud mewn un bang mawr. Rhaid cofio ystyried pris bwyd yn yr ysgolion hefyd. Gyda phris bwyd yn codi'n sylweddol, fel sydd wedi digwydd yn ddiweddar am amryw o resymau, mae'n debygol y bydd pris cinio ysgol yn codi. Bydd hynny'n effeithio ar rai pobl, yn enwedig os oes ganddynt fwy nag un plentyn yn yr ysgol; mae'n gost sylweddol.

It is difficult to introduce this. It needs to be done in a sensitive and careful way, and it is necessary to ensure that the meals are not only healthy, but are tasty and attractive, and are presented in an attractive way. Training needs to be provided for the companies preparing the food. Therefore, this needs to be done gradually; it is impossible to do it in one big bang. It is also necessary to consider the price of food in schools. With the price of food rising considerably, as has happened recently for various reasons, it is likely that the price of school meals will rise. This will affect some people, particularly if they have more than one child in school; it is a significant cost.

[105] **Mr Guy:** An incremental approach would help to delay the impact, but we must remember that only a small proportion of a child's intake of food is eaten in the form of school meals; at other times, they are exposed to high salt, high fat, and high sugar foods outside school. Therefore, their tastes may well remain unchanged, but we have to encourage a fundamental shift in eating patterns. We often have to change eating patterns that are formulated before they come to school. An incremental approach would help to delay its impact.

[106] **Ms Edwards:** Mae rhai ysgolion uwchradd sy'n gallu rhoi dewis yn cynnig o leiaf un opsiwn iach i fynd gyda phethau eraill; er enghraifft, saladau amrywiol. Y gobaith yw y bydd plant yn gweld ac, yn raddol, yn blasu gwahanol bethau. Mae hynny wedi gweithio mewn rhai mannau. Fodd bynnag, cododd cost y bwyd ac yr oedd y plant yn cwyno ei bod yn edrych fel pe baent yn cael llai am eu harian.

**Ms Edwards:** Some secondary schools that can provide a choice offer at least one healthy option to go with other things, such as various salads. It is hoped that the children will see and, gradually, taste different things. This has worked in some areas. However, the cost of the food rose, and the children complained that it seemed that they were receiving less for their money.

[107] **Andrew R.T. Davies:** I have a question for NAHT. You have probably highlighted this and covered it in detail, but you specifically made the point about headteachers having no control over the nutritional content of school meals. However, as I said, you have discussed that point. Would you like to add anything to emphasise that point?

[108] **Mr Guy:** Yes, because if someone disagrees with it, we are open to litigation. We would be accountable and responsible for it. The only way that we could ensure that all those requirements were being met would be to cook the food ourselves. That is a big worry for members—that we would be open to litigation by parents, a group of parents, or whoever, who took issue with the content of the food.

[109] **Andrew R.T. Davies:** My final question is whether you think that further clarification is required with regard to the monitoring and inspecting arrangements for increased nutritional standards provided in section 7.2? Is there a need to make clear who is ultimately responsible for implementing the more stringent nutritional standards?

[110] **Mr Guy:** Yes.

[111] **Andrew R.T. Davies:** Do you want to elaborate?

[112] **Mr Guy:** No.

[113] **Kirsty Williams:** I will quickly ask two practical questions. If local authorities and headteachers were successful in encouraging the take-up of healthy school meals, do you envisage any difficulties for schools coping with the increased demand? The committee has received evidence that suggests that factors such as the length of mealtimes and dining facilities have an impact on healthy eating and the way in which pupils make their choices. Do you have any views on the comments that we have received?

[114] **Mr Guy:** There is a capacity issue in schools at the moment; many dining areas are not capable of dealing with the numbers of pupils. There often has to be a very fast throughput, which does not encourage healthy eating, in the sense of taking your time. From experience, I find that, during the summer months, boys especially want to bring in a packed lunch so that they can eat it very quickly then get out to play sport. Other schools that have sporting clubs and other things taking place at lunch time, such as choir rehearsals and similar activities—things that cannot be held after school, because of transport issues—are squeezing so many pupils in that there would be a capacity issue for both seating the children in the dining hall and for the canteens to provide the meals, should there be a vast increase in the uptake of meals.

[115] **Mr Hughes:** Ategaf yr hyn sydd wedi cael ei ddweud, er bod rhaid rhoi ystyriaeth i'r gostyngiad yn nifer y plant yng Nghymru; efallai y byddai cydbwysedd yn deillio o hynny. Pe baech yn estyn yr amser bwyd, pwy fyddai'n talu costau ychwanegol staff cinio a'r staff sy'n cynorthwyo ac yn gofalu am y plant yn ystod yr amser cinio? Byddai hefyd angen edrych ar amodau gwaith athrawon. Drwy estyn yr amser cinio, byddech yn ychwanegu at y diwrnod ysgol, a byddai hynny'n effeithio ar athrawon sydd â chyfrifoldebau gofal plant ac yn y blaen.

**Mr Hughes:** I endorse what has been said, although we must take into account the reduction in the number of children in Wales; a balance might be derived from that. If you were to extend mealtimes, who would pay the additional costs of lunch time staff and the staff who help and look after the children at mealtimes? The working conditions of teachers would also need to be looked at. By extending the lunch period, you would be adding to the school day, and that would impact on teachers who have childcare responsibilities and so on.

[116] **Mr Guy:** Nid yw estyn yr awr ginio yn opsiwn yn ein barn ni. Yn ystod yr awr ginio mae'r mwyafrif o broblemau disgyblaeth yn digwydd a rhaid inni ymdrin â hwy yn y prynhawn. Mae carfan gref sy'n teimlo y dylid dileu cinio ysgol yn gyfan gwbl ac y dylid dechrau'r bore yn gynharach, cael toriad canol bore a byrbryd iach tua diwedd y bore. Yna, o gwmpas 2 p.m. neu 2.30 p.m. byddai gweithgareddau allgyrsiol yn digwydd o fewn y diwrnod ysgol.

**Mr Guy:** Extending the lunch hour is not an option in our opinion. It is during the lunch hour that the majority of disciplinary problems arise and we must deal with them in the afternoon. A number of people feel strongly that school lunches should be abolished entirely and that the morning should start earlier, with a break mid-morning and a healthy snack at the end of the morning. Then, at about 2 p.m. or 2.30 p.m. extracurricular activities would take place within the school day.

[117] **Ms Edwards:** Yn sicr, mae rhai disgyblion wedi bod yn osgoi'r ffreutur yn y gorffennol oherwydd ei fod bob amser yn rhy

**Ms Edwards:** Certainly, there are pupils who have avoided the canteen in the past, as it is always too full, they have to queue for too

llawn, eu bod yn gorfod ciwio'n rhy hir, a bod dim dewis ar ôl erbyn eu bod yn cyrraedd pen y ciw. Mae hynny'n effeithio ar ddisgyblion ac yn broblem mewn rhai manau. Mae rhai ysgolion wedi ceisio rhannu'r awr ginio fesul gwahanol flynyddoedd, ond mae goblygiadau mawr i hynny o ran staffio ac amserlen yr ysgol.

long and, by the time that they get to the front of the queue, there is no choice of food left. That impacts on pupils and is a problem in some areas. Some schools have tried to stagger the lunch hour according to different years, but that has great implications in terms of staffing and school timetables.

[118] **Kirsty Williams:** If this Measure was to proceed, do you think that it would have to address some of those concerns?

[119] **Mr Guy:** They would have to be addressed, or it would not be enforceable, in practical terms.

[120] **Kirsty Williams:** Thank you. I do not think there are any further questions from Members. I thank Richard Edwards and Iwan Guy from NAHT Cymru for coming this morning, and to Elaine Edwards and Gruff Hughes from UCAC, especially given the happy news for Gruff and his family. Congratulations to you on your new grandchild; I hope that mother and baby continue to do well. Thank you for your time this morning.

10.30 a.m.

[121] I welcome representatives of Governors Wales to this morning's meeting. Good morning. We have with us Mr Hugh Patrick, the chair of Governors Wales, Jane Morris, the acting director, and Allan Tait, the secretary. We are grateful for your attendance this morning and for your written submission to the committee. We are going to start off with some general questions.

[122] **Irene James:** In your submission, you are very supportive of the need for a clear, concise policy that promotes a holistic approach towards healthy eating. You also acknowledge the work that is currently being undertaken by the Assembly Government to achieve that aim in the 'Appetite for Life' action plan. In view of that, can you confirm whether you believe that there is actually a need for this proposed Measure?

[123] **Ms Morris:** Thank you for that question. I think that, as an organisation, we certainly agree with the principles in the Measure, which I think, in many respects, are similar to those in the 'Appetite for Life' action plan. Perhaps we are not going to be able to give you a complete answer because I think that one of the things that we would say is that we feel that, with the current research that is taking place with the action plan for 'Appetite for Life', it would be very prudent to wait for the full assessment to come through from those various findings, particularly in terms of financial implications and so on. While we certainly agree with the principles, we feel that it would be important to see what those findings are. I think that I am right in saying that we are in the first year of the research and that those two will marry together, depending on the findings.

[124] **Irene James:** Following on from that, there are certain features of 'Appetite for Life' that this proposed Measure seeks to place on a statutory footing. Do you think that that would aid with the consistency of application right across Wales and, basically, ensure that all schools are involved in improving healthy eating in our schools?

[125] **Ms Morris:** Yes, I would certainly say that we would feel that it would add to the consistency across Wales. Once you enable certain provisions to be statutory, that obviously is going to happen and will be rolled out. Again, I suppose that one thing that is important is that the Measure will allow for monitoring and evaluation of progress relating to healthy

eating across Wales. That, of course, is vital.

[126] **Mr Tait:** Obviously, legislation provides a focus for activities and it concentrates the mind, so it should give an impetus to tackling this problem. It is a serious problem. I am a governor of two primary schools and the proportion of children who are obese is increasing and it is very worrying. Obviously, schools cannot tackle that on their own, but I think that we should do what we can.

[127] **Irene James:** As a committee, we have received evidence to suggest that the introduction of this Measure is very premature and that it would be far more sensible to await the outcome of the planned 'Appetite for Life' action research project before deciding whether the statutory approach is necessary. What are your views on that?

[128] **Ms Morris:** I think that we touched on that in answer to the first question. As far as financial implications and the way forward in that respect are concerned, it will be crucial to await those findings. I do not know whether my colleagues have anything to add.

[129] **Kirsty Williams:** We are still at Stage 1, which involves considering the principles. I think that you hit the nail on the head when you said that, in principle—which is the stage that we are at—your organisation would be in favour of taking this forward.

[130] **David Lloyd:** Moving on to the duty to promote healthy eating, in your submission, you state that you generally support the duty to promote healthy eating that is provided for in section 1(1), but that there is a

[131] 'need to be mindful of not creating additional workload and increased bureaucratic processes.'

[132] That is something that we were hearing about earlier. Are there any minimum requirements that governing bodies or other relevant authorities should meet to fulfil this duty to promote healthy eating?

[133] **Ms Morris:** There are already minimum compulsory standards for school lunches, and what the proposed Measure would introduce would be far more stringent regulations regarding nutrition in that respect.

[134] **Kirsty Williams:** I think that what we are asking is whether there should be requirements with regard to promotional activities.

[135] **Ms Morris:** That is a fair comment. By September 2008, schools will be encouraged to have a whole-school food and fitness policy in place. The key word there is obviously 'encouraged'. As an organisation, we feel that this should be a requirement. If that were the case, it would enable the duty to be fulfilled.

[136] **David Lloyd:** On the same theme of our being mindful of not creating an additional workload, what additional burdens do you envisage that the general duty to promote healthy eating will place on governing bodies and headteachers?

[137] **Mr Tait:** We are always reluctant, as governors, to ask schools to take on additional work, because we are conscious of the existing burdens on headteachers and teachers. However, this is an important issue, and, if a school has a food policy that incorporates these principles, it provides a focus in a school context in the same way that the legislation in a broader sense provides a focus. I know that we have reams of policies in schools, but this is a matter on which there should be a specific school policy.

[138] **Ms Morris:** I think that you will also find that there are many schools that have these policies in place and that are working towards the aspirations in those policies.

[139] **David Lloyd:** In giving evidence to the committee, Jenny Randerson, the Assembly Member behind this proposed Measure, implied that the benefits brought about as a result of the duty to promote healthy eating would outweigh any additional burdens. How do you feel about that statement?

[140] **Mr Tait:** It is very difficult to quantify it really. The aim of encouraging healthy eating is an important one. Although there would be an additional burden on schools, it is something that should be taken on. I do not think that the burden will be that significant.

[141] **Kirsty Williams:** Thank you for that; that was very clear. We now move on to section 3 and the definitions of healthy eating.

[142] **Jeff Cuthbert:** Thank you for your written submission. Is the definition of healthy eating set out in sections 3(a), 3(b) and 3(c) appropriate? If not, why not?

[143] **Ms Morris:** I think that this has been amended slightly since the initial consultation. It is a difficult question. Personally, I feel that it is an adequate definition, although I have picked up on what some colleagues have said in their written submissions that it perhaps does not quite clarify the sustainable development aspect and that there may be a need for further guidance on that aspect.

10.40 a.m.

[144] However, I do not feel that there is anything else that we can say on that, unless my colleagues want to add something.

[145] **Jeff Cuthbert:** In part, you have dealt with my next question. Section 3(c) refers to the need for healthy eating to cause as little damage as is reasonably possible to the environment in the course of its production, processing and distribution. Do you think that that statement should be there? Is it part of this issue?

[146] **Ms Morris:** It is a very important statement, and yes, it should certainly be there. In our initial consultation we made the comment that perhaps the sustainable development aspect was a bit scant. That has been developed in this definition, and there will probably be a need for further guidance to elaborate on this. So, in answer to your question, yes, it should be there.

[147] **Jeff Cuthbert:** Moving on to the section that deals with inspecting and reporting, section 4 requires governing bodies to report:

[148] ‘what steps have been taken to promote healthy eating in the school during the period to which the report relates and on the extent to which those steps appear to have been successful’.

[149] Do you see that having practical and financial implications?

[150] **Ms Morris:** I have been listening carefully to what our colleagues have been saying this morning in giving evidence. As you are all aware, governing bodies have to produce an annual report to governors, and that is the responsibility of the governors. I would like to make that clear—although the headteacher will more often than not be a governor, the onus is on the governing body to produce that report. That is something that we try to stress as an organisation, and I am sure that there will be examples where the workload falls on the head.



That should not be the case, and we are trying our best to ensure that that does not happen.

[151] As far as the implications are concerned, I would guess that the practical implication would be the time needed. Obviously, the report will need to contain some information on the steps that have been taken in relation to healthy eating and so on. We would not envisage that that would necessarily be that onerous, and obviously, if there have been reports from the headteacher throughout the year to governing body meetings, as should be the case, I would imagine that it would pick up some of those things and, as always, review the policy in place.

[152] **Mr Pattrick:** It is really a question of depth, is it not? How much do you investigate? Do you have an overview and look at how the policy is working, or do you go into things in the finest degree? I think that it is more of an overview.

[153] **Ms Morris:** To add to that, one of the important issues—and again, we touched on this earlier—is training. There needs to be some sort of training provided for governors, whether it is an interactive DVD, or something that governing bodies can watch, about healthy eating. That was raised in a very initial consultation on whatever the scheme before ‘Appetite for Life’ was called.

[154] **Mr Tait:** It is something that some LEAs do now. I have attended a course put on by Torfaen County Borough Council, which was not just about healthy eating, but that was part of it. Obviously, the take-up of such training varies between local authorities, but they ought to be encouraged to provide these sessions.

[155] **Jeff Cuthbert:** I will not just read out the next question, because it would not be reasonable, but building on that point about sharing the burden, I know that in practical terms these things often fall to the headteacher, who is the full-time chief executive of the school, if you like—the person that is there all the time. Schools often have governors with expertise in particular areas, and that could be enhanced by training or improving skill levels generally. Is it a practical option for any additional burden created by this proposed Measure, should it be approved, to be shared among governors in support of the headteacher?

[156] **Mr Pattrick:** Yes in the same way as people are currently used for their expertise. They also bring in expertise in various areas from outside. The expertise of governors is used as far as possible, but it is variable among different governing bodies. Hopefully, it would be used if it was available, not just in the governing body, but in catchment areas and more widely throughout each LEA if that were possible.

[157] **Jeff Cuthbert:** Presumably, it could not be used consistently because it would depend on the skills of the governors.

[158] **Mr Pattrick:** Indeed.

[159] **Mr Tait:** However, in practical terms, we are probably talking about a few paragraphs in the annual report, which, as Jane said, governors ought to be able to pick up from the written reports that the headteachers have given to governors during the year. I know I am talking about an ideal situation, but it ought to be feasible for a little group of governors to share out the work, and one of them could produce the paragraphs on healthy eating. That is what we would encourage; whether we can achieve it is another matter.

[160] **Kirsty Williams:** Moving on to section 5, which would require the chief inspector of schools to report to the Assembly on this work. As you will have heard this morning, we have received evidence that raises concerns that the proposed Measure would make the promotion of healthy eating part of the inspection regime, so not only would you be reporting on it, but as governors, you would be inspected by Estyn on your work in this particular area. What are

your views on this?

[161] **Ms Morris:** From April 2007, it was a reporting requirement in that key question 4 in the inspection covers how well a learner is cared for, guided and supported. Obviously, inspectors must comment on whether the school has arrangements that encourage and enable learners to be healthy and so on. So, that is already in place. There are issues, such as cost implications, particularly if inspectors are going to be commenting on nutritional standards, and there would have to be specific inspectors in situ to undertake that work. That has been raised—particularly with regard to the additional cost—by Estyn and the other bodies who have submitted evidence.

[162] **Kirsty Williams:** So, in principle, you feel that it is just an extension on what you are already being inspected on. It is just a different facet to the care that you already have to demonstrate in your work.

[163] **Mr Patrick:** In the end, it is about a whole-school attitude, which inspectors can pick up in regard to various areas, and this could be one of them, whether there is a commitment or lip service paid to healthy eating.

[164] **Kirsty Williams:** So, in principle, you are fairly relaxed and see it as an extension of what is happening.

[165] **Ms Morris:** It is an extension, but there are significant cost implications.

[166] **Kirsty Williams:** Brilliant, thank you. Earlier, there was some discussion about where budgets for school meals have been delegated to governing bodies. At present, how do you comply with the current legislation on the content of school meals? How do you ensure that that happens?

[167] **Mr Tait:** The governing body, or more likely the chair of governors, would see the contract that was drawn up. That contract would be drawn up by an officer in the LEA, probably the client officer. The school would also rely on that client officer, once the contract is let, to monitor how effectively it was being operated, and also to produce reports to the governing body about that contract. The governors would not be monitoring it directly; they would be relying on the client officer in the LEA to do that on their behalf and to report back to them.

[168] **Kirsty Williams:** So, in reporting back, are they reporting to you as a governing body, or to the headteacher? Earlier, we heard that the headteachers have nothing to do with it.

[169] **Mr Tait:** They would report to the headteacher and he or she would pass that on to the governing body.

[170] **Kirsty Williams:** Thank you very much. You have already mentioned that, building on what we have, you think that this new section 7 has financial implications. Are there other practical implications for these minimum standards for salt, sugar and artificial additive levels? From your perspective, is this a cost issue?

10.50 a.m.

[171] **Ms Morris:** It would seem sensible to have maximum limits. As far as costs go, there will be implications, but we do not have the expertise to comment on that.

[172] **Mr Tait:** The explanatory memorandum sets out the potential costs in some detail. It mentions an estimate in Scotland of some £4.2 million. You can project that down for Wales.

It is therefore a significant additional cost, and we would want to see that recognised in the money that LEAs get from the Welsh Assembly Government.

[173] **Mr Pattrick:** In addition to that, of course, is the cost of school meals in each individual local authority. My authority has the highest costs in the United Kingdom, and that has an impact too.

[174] **Kirsty Williams:** Of course. Some of the evidence to the committee suggests confusion in how the proposed Measure is currently worded with regard to who would be responsible for implementing the higher nutritional standards, how they would be monitored and compliance ensured. Is the proposed Measure lacking in that regard, and does that need to be made clearer either in the proposed Measure itself or via regulations?

[175] **Mr Tait:** Personally, I do not think that it is particularly obscure. If it is felt that there is a lack of clarity, it would obviously help to clarify the matter. However, I do not think that it is unclear.

[176] **Kirsty Williams:** I will round things off with some general questions that were asked of the union representatives. Some responders have talked about the length of meal times, dining facilities and practical arrangements for how meals are provided in schools as having an impact on the ability to deliver this agenda. Do you think that those issues could be addressed in this proposed Measure?

[177] **Ms Morris:** That is a very interesting question, is it not? There are many issues there. Ultimately, it is the school that will determine the organisation of the school day. If you are looking to promote healthy eating, a good eating environment with good facilities is crucial, and we have to note that there are schools that do not have sufficient resources in place to provide these facilities—some schools do not have kitchen facilities. If there is an increased demand, these issues will have to be looked at very carefully. We are also well aware of where lunch times have been shortened. With the shortening of lunch times comes, supposedly, improved behaviour among pupils in the afternoon. There is therefore a whole raft of issues that need careful consideration, and I am not sure that the proposed Measure, as it is currently set out, is the appropriate place to deal with those.

[178] **Kirsty Williams:** If this proposed Measure progresses, or even if it does not and ‘Appetite for Life’ does it all for us and there is a huge take-up in school meals specifically, do you think that the system has the capacity to cope with that demand?

[179] **Mr Tait:** There should be capacity in many schools because, historically, the number of children who take school meals has gone down. Therefore, on the kitchen side of things, there should be the capacity to take up any increased demand.

[180] **Kirsty Williams:** Those are all the questions from us. I thank those from Governors Wales for their attendance.

[181] **Mr Tait:** May I just ask a question of my own?

[182] **Kirsty Williams:** Yes, of course. You can ask it, but I do not know that we can answer it. Go on; turn the tables on us.

[183] **Mr Tait:** In our submission, we mentioned PTA or PFA activities and whether they are covered by the proposed Measure. I am assuming that, where those activities take place outside the school day, they are not covered, because that is the situation in England, but there needs to be clarity on this.

[184] **Kirsty Williams:** From dealing with Mrs Randerson, who is the Member responsible for promoting the Measure, and in terms of the regulations, I think that there is a general acceptance that the rules would apply over the year, so with regard to individual school trips or individual events in the school, we would not be in the business of banning school parties, cake stalls at the summer fete or those kinds of activities. They would be covered in the regulations, and the Minister has said that she would ensure that any regulations would allow for that. It is a general principle rather than looking to ban the school Christmas party, where even we, with our passion for healthy eating in schools, would admit that we can perhaps slacken our grip.

[185] **Mr Tait:** There is also a revenue dimension to school discos, bingo sessions and school fetes.

[186] **Kirsty Williams:** There is an understanding of that, and that can be dealt with sympathetically in regulations. We are about everything in moderation.

[187] Thank you for your attendance this morning, and I thank you and Governors Wales members up and down Wales who are working in a voluntary capacity to help to deliver our children's education. It is an increasingly onerous task to be a governor of a school, and all of us as Assembly Members are grateful and would like to place on record our thanks. I thank Members for their attendance and formally declare the meeting closed.

*Daeth y cyfarfod i ben am 10.56 a.m.  
The meeting ended at 10.56 a.m.*