



Arolygiaeth Ei Fawrhydi dros Addysg a Hyfforddiant yng Nghymru  
His Majesty's Inspectorate for Education and Training in Wales

## Ymateb i Ymgynghoriad / Consultation Response

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### Background information about Estyn

Estyn is the Office of Her Majesty's Inspectorate for Education and Training in Wales. As a Crown body, we are independent of the Welsh Government.

Our principal aim is to raise the standards and quality education and training in Wales. This is primarily set out in the Tertiary Education and Research Act 2022 and the Education Act 2005. In exercising its functions, we must give regard to the:

- Quality of education and training in Wales;
- Extent to which education and training meets the needs of learners;
- Educational standards achieved by education and training providers in Wales;
- Quality of leadership and management of those education and training providers;
- Spiritual, moral, social and cultural development of learners; and,
- Contribution made to the well-being of learners.

Our remit includes (but is not exclusive to) nurseries and non-maintained settings, primary schools, all age schools, secondary schools, independent schools, pupil referrals units, further education, adult community learning, local government education services, work-based learning, and initial teacher training.

We may give advice to the Welsh Parliament on any matter connected to education and training in Wales. To achieve excellence for learners, we have set three strategic objectives:

- Provide accountability to service users on the quality and standards of education and training in Wales;
- Inform the development of national policy by the Welsh Government;
- Build capacity for improvement of the education and training system in Wales.

This response is not confidential.

## Estyn response

We support the purpose and general principles of the Food (Wales) Bill. We support the primary food goal and the four secondary food goals. These goals support the broader goals of the Well-being of Future Generations (Wales) Act 2015.

The provision of food in schools has improved as result of the Healthy Eating in Schools (Wales) Measure 2009, the Healthy Eating in Schools (Nutritional Standards and Requirements) (Wales) Regulations 2013 and the Healthy Eating in Maintained Schools (2014) statutory guidance for local authorities and governing bodies. More recently, the start of the rollout of Universal Primary Free School Meals is beginning to have a further positive impact on what young children eat and drink in primary schools, with an additional 1.5 million free school meals served in primary schools between September and December 2022.<sup>1</sup>

The Health and Well-Being area of learning and experience in the Curriculum for Wales requires that learning about healthy eating and drinking is provided for all pupils in maintained schools.

It is not clear at this stage what the full implications of the Bill will be for education providers, including schools, as individual providers are not named as public bodies. Much of the food and drink served in schools is provided by local authority catering services, and these services would be affected as the local authority is the named public body in the Bill.

The Bill allows Welsh Ministers to add other bodies by regulations, and it is not clear if any education providers are likely to be added through regulations. An increasing number of schools, mainly secondary schools, opt out of local authority catering services and either provide their own service or commission an external company to provide a service. To ensure that the Bill has equal impact, consideration should be given to ensuring that the Bill covers the provision of food and drink in all schools, not just those that buy in to a local authority service.

Our thematic report, '[Healthy and happy: school impact on pupils' health and wellbeing](#)', notes ongoing challenges in encouraging children and young people to choose to eat healthy food at school, particularly in secondary schools. For example, we noted that there are important factors beyond the provision of healthy food itself that drive pupils' behaviours:

Not all schools have enough space for pupils to sit and eat a meal at lunchtimes, including recently built schools. This is more notably a problem in secondary schools and contributes to pupils not eating a balanced meal including fruit and vegetables, but instead choosing fast food options that are high in carbohydrate such as chips, bacon rolls, pizza slices, paninis, baguettes, and pasta pots. Additionally, secondary schools have shortened the lunch break, and this also contributes to pupils choosing fast food...

We agree with the potential conflict between secondary food goals identified in the [WLGA's consultation response](#) on the Draft Food (Wales) Bill:

In schools, healthier foods are generally less popular and contribute more to consumer waste than 'child friendly' foods (e.g. salmon fish fingers v. cod fish

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<sup>1</sup> '[1.5 million additional meals served up by Universal Primary Free School Meals](#)' Welsh Government, 2022

fingers; peas v. baked beans; boiled potatoes v. chips). Within schools, it is unrealistic to expect to achieve the secondary food goal of 'reducing food waste by food producers and consumers' while continuing to increase the health of food in schools, which is likely to be an ongoing intervention of the other secondary food goal relating to 'reducing obesity'.

It would be useful for providers to have guidance on how to manage conflicts between the secondary goals.

In principle we agree that a target should be set for each secondary food goal. Targets can helpfully support improvements, but we note that targets can sometimes drive unhelpful behaviours or have unintended consequences. We suggest that the Welsh Ministers should consult leaders in local authorities and education providers about the potential implications of targets before setting them.

The cost implications of the Bill are unclear at this stage, although it is likely that the Bill will result in additional costs for local authorities. These costs may be passed on to schools. Schools may also be directly affected if regulations name them a public body. It will be important that the Welsh Government provides enough financial support for the Bill so that core spending on education is not adversely affected.