



Department
for Education

School food in England

**Departmental advice for governing
boards**

July 2016

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Summary

About this departmental advice

This advice will help when planning and providing food in schools. It explains how legislation applies to food provided within schools in England. It outlines the role of school governing boards, and stipulates the legal requirements for food provided across the school day.

We use the term 'must' when the person in question is legally required to do something and 'should' when advice is being offered.

Expiry or review date

This departmental advice will be reviewed in January 2017.

What legislation does this departmental advice relate to?

- Sections 512, 512ZA, 512ZB, 512A and 533 of the [Education Act 1996](#), as amended
- Section 114A of the [School Standards and Framework Act 1998](#)
- 2014 No. 1603 EDUCATION, England [The requirements for School Food Regulations 2014](#)

Who is this advice for?

This advice is for governing boards of the following schools:

- Maintained primary
- Maintained secondary
- Maintained special
- Maintained nursery
- Maintained boarding
- Pupil Referral Units
- Academies that opened prior to 2010 and academies and free schools entering into a funding agreement from June 2014
- Non-Maintained special schools

Key points

- Statutory school food standards apply to local authority maintained schools, academies that opened prior to 2010 and academies and free schools in England entering into a funding agreement from June 2014. This includes maintained nurseries and nursery units attached to primary schools, pupil referral units and sixth forms that are part of secondary schools.
- These school food standards are to ensure that food provided to pupils in school is nutritious and of high quality; to promote good nutritional health in all pupils; protect those who are nutritionally vulnerable and to promote good eating behaviour.
- The revised standards for school food came into force on 1 January 2015 and are set out in the [Education England The requirements for School Food Regulations 2014](#).
- A [summary](#) of the standards and a [practical guide](#) are available from the School Food Plan website.
- The regulations set out the requirements for school lunches provided to registered pupils, whether on the school premises or not, and to any other person on the school premises.
- The regulations also set out the requirements for food and drink other than lunch provided to pupils on and off school premises up to 6pm, including breakfast clubs, tuck shops, mid-morning break, vending and after school clubs.
- Academies set up between September 2008 and September 2010 are required to adhere to the standards through a clause in their funding agreements. Those founded between those dates should use the national school food standards as a guide and can sign up [voluntarily](#) to show they are following the school food standards.
- The [School Food Plan website](#) draws together best practice and organisations that can support schools and the sector. The authors of the plan have developed a section of the website that brings together examples of [what works well](#) from schools, individuals and organisations.
- From September 2014 every child in reception, year 1 and year 2 in state-funded schools is entitled to a free school lunch. We have published an [advice document for local authorities and schools](#).

Role and responsibilities of governors

- School governors are responsible for the provision of school food. A school lunch must be provided for pupils where a meal is requested and either the pupil is eligible for free school lunches, or it would not be unreasonable for lunches to be provided.
- Governing boards are able to decide the form that school lunches take, but must ensure that the lunches and other food and drink provided meets the school food standards.
- Although there is no requirement that lunches must be hot meals, hot lunches should be provided wherever possible to ensure that all pupils are able to eat at least one hot meal every day.
- School governing boards must provide school meals to a pupil free of charge if the pupil and/or a parent meets eligibility criteria set out within the [Education Act 1996](#) and a request is received for free meals to be provided either by the pupil or someone acting on their behalf.
- Drinking water must be provided free of charge at all times on school premises.
- Facilities to eat the food that they bring to school must be provided free of charge for pupils not taking school meals. As a minimum these facilities should include accommodation, furniture and supervision so that pupils can eat food they have brought from home in a safe and social environment.
- The school food standards require lower fat milk or lactose reduced milk to be available for drinking at least once a day during school hours. Milk must be provided free of charge to infant and benefits-based free school meals pupils when it is offered as part of their school meal and free to benefits-based free school meals pupils at all other times. Charges can be made for all other pupils.
- Whole milk can be provided for pupils up to the end of the school year in which they reach age 5, after that milk must be lower fat or lactose-reduced.
- To assist with the cost of providing milk schools can take part in the [EU School Milk Subsidy Scheme](#). There is also the [Nursery Milk Scheme](#), operated by the Department of Health, which provides free milk to children under the age of 5 at participating schools and childcare settings.
- Four to six year-old children in state-funded infant, primary and special schools throughout England are eligible to receive a free piece of fruit or vegetable every school day outside of their school lunch through the School Fruit and Vegetable Scheme (SFVS), administered by the Department of Health. More information is

available on the NHS website at: [School Fruit and Vegetable Scheme](#). There is no statutory requirement for schools to participate in this scheme.

What should the governing board do?

The governing board is responsible for ensuring that the national school food standards are met. How this is carried out will depend on the catering arrangements within the school.

- All food and drink provided in applicable schools must meet the national school food standards. Where food is provided by the local authority or a private caterer, compliance with the school food standards should be specified within the catering contract or service level agreement and the caterer should provide the governing board with evidence of compliance with the standards. If the school provides food it should evaluate the food and drink provision against the standards, and produce evidence of compliance.
- There should be a process in place to ensure that catering services are coordinated across all school food and drink outlets to ensure that compliance with the school food standards is maintained.
- The governing board should ensure that it receives regular reports on compliance with the school food standards as well as take-up of school lunches and financial aspects of school food provision.

Governing boards are strongly encouraged to work with the senior leadership team to develop a whole school food policy; setting out the school's approach to its provision of food, food education (including practical cooking), the role of the catering team as part of the wider school team and the school's strategy to increase the take-up of school lunches.

[A checklist for headteachers](#) is available on the [School Food Plan website](#). This includes all the things that can make a big difference to take-up and food culture in schools. The checklist is designed to be pinned up in the head's office and the kitchen.

Exemptions to the school food regulations

The School Food Regulations do not apply to food provided:

- a. at parties or celebrations to mark religious or cultural occasions
- b. at fund-raising events
- c. as rewards for achievement, good behaviour or effort
- d. for use in teaching food preparation and cookery skills, including where the food prepared is served to pupils as part of a school lunch
- e. on an occasional basis by parents or pupils

The School Food Regulations do not apply to confectionery, snacks, cakes or biscuits, served as part of an evening meal at maintained boarding schools before 6pm.

For maintained nurseries and nursery units attached to primary schools there is a reduced set of standards for food served at lunchtime (Schedule 5) and whole milk, rather than lower fat milk, may be provided.

Academies established between September 2010 and June 2014 are not required to adhere to the school food standards regulations. These academies should use the national school food standards as a guide and can sign up [voluntarily](#).



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