



Dros ddysgwyr, dros Gymru
For learners, for Wales

Ymateb i Ymgynghoriad / Consultation Response

Enw / Name:	Owen Evans
Rôl / Role:	His Majesty's Chief Inspector of Education and Training in Wales
E-bost / Email:	ChiefInspector@estyn.gov.uk
Rhif Ffôn / Tel No:	029 2044 6446
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Background information about Estyn

Estyn is the Office of His 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 Learning and Skills Act 2000¹ 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 those receiving education and training in Wales;
- Quality of leadership and management of those education and training providers, including whether the financial resources made available to those providing education and training are managed efficiently and used in a way which provides value for money;
- 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, secondary, special and all age 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:

¹ This act to be replaced by the Tertiary Education and Research (Wales) Act 2022 when the quality provisions are commenced.

- 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.

Response

Introduction

Estyn's role in inspecting schools' work in this area is clearly articulated in the draft guidance. Estyn supports the proposed revisions to update the Healthy Eating in Schools (Wales) Regulations and accompanying statutory guidance to reflect the latest UK Government dietary recommendations. The proposals are evidence-informed, clearly aligned with national policy goals, and prioritise child health, well-being, and equity. The changes are seen as both proportionate and practical, with clear standards that help all children access the food they need for a healthy diet.

The statutory guidance is sufficiently clear, structured, and detailed, with helpful tables and practical advice to support all those who are responsible for promoting healthy eating and drinking in schools. The distinction of two age groups in primary schools with differing dietary needs and portion sizes, as well as guidance on the provision of medically prescribed diets and other dietary needs, are positive inclusions in the new guidance. However, Estyn recommends further support through templates, visual summaries, and inclusive menu design examples to strengthen implementation.

The impact assessments identify the main risks but could better account for implementation challenges, particularly in terms of catering capacity, cultural inclusivity, and uptake among all pupils, particularly disadvantaged groups.

- The emphasis on developing positive early healthy eating and drinking habits, curriculum integration, and appropriate breakfast provision reflects a whole-school approach to health and well-being.
- The proposals to increase the provision of fruit, vegetables, and wholegrains, limit processed and high-fat foods, and promote plain drinks are welcomed for their contribution to reducing sugar and saturated fat intake, supporting oral health, and improving nutritional equity.
- Monitoring uptake and learner engagement will be essential to realising the policy's potential to improve health outcomes and reduce inequalities across Wales.

Consultation questions

Lunch in primary schools

Q 1: To what extent do you agree or disagree with the proposals that relate to increasing the provision of fruit, vegetables and starchy carbohydrates?

Strongly agree

Supporting comment:

Estyn supports the proposal to provide at least two portions of vegetables daily and one fruit portion, along with increased wholegrain starchy carbohydrates in primary schools. This proposal aligns with the *Healthy Weight: Healthy Wales* strategy, which places a strong emphasis on improving the food environment for children and increasing access to healthy options in schools. By increasing the provision of vegetables, fruits, and wholegrain carbohydrates, schools will directly contribute to Wales' goal of reducing obesity and improving long-term health outcomes.

Early exposure to a variety of fruits and vegetables helps shape children's food preferences and tastes. Children who regularly eat a range of vegetables in early childhood are more likely to maintain a healthy diet into adulthood. This is consistent with current dietary advice and supports children's physical health, cognitive function, and readiness to learn. It also promotes equity, ensuring all children, regardless of socio-economic status, access a nutritionally rich lunch. These amendments to the Healthy Eating in Schools guidance from 2014, are more appropriately aligned to recent scientific and dietetic research.

Q 2: To what extent do you agree or disagree with the proposals that relate to meat, red meat and fish?

Strongly agree

Supporting comment:

We agree with the balanced approach to meat and fish provision within the proposals. Providing further clarity for the use of red and white meat supports the planning within the weekly menu further. The stipulation of meals containing red meat once weekly, while capping it at two portions will also help reduce potential health risks. Continuing weekly fish provision, including oily fish every four weeks, is supported for its nutritional value. These amendments to the Healthy Eating in Schools guidance from 2014, are more appropriately aligned to recent scientific and dietetic research. This guidance also supports health priorities and is practical to deliver with a manageable level of change.

Q 3: To what extent do you agree or disagree with the proposals that relate to processed meat?

Strongly agree

Supporting comment:

We agree with the reclassification of ham and bacon as processed products as an important update which sensibly aligns to UK dietary advice. We also support the reduction in the use of processed meat to once per week. It reflects robust evidence linking processed meats to poor health outcomes and responds to the nutritional inequalities seen in children from lower-income backgrounds. It is a manageable and meaningful change in school catering practice that reinforces good dietary habits from an early age.

Q 4: To what extent do you agree or disagree with the proposals that relate to non-meat options (specifically, restricting cheese-based dishes and processed meat and fish alternatives?)

Agree

Supporting comment:

We agree that limiting cheese-based main meals and highly processed non-meat alternatives addresses excess saturated fat and sodium intake. However, it is important to acknowledge the nutritional benefits that dairy products such as cheese and yoghurt provide, particularly as key sources of calcium, protein, and vitamins A and B12. The proposals would be strengthened if they included the use of reduced-fat dairy options and portion-controlled servings to help retain calcium intake without significantly increasing saturated fat levels. Opportunities for children to have lower-fat dairy options could be considered as alternatives to help maintain levels of calcium on the menu for children. Encouraging diverse, plant-based proteins (e.g. pulses) supports a more balanced menu and avoids over-reliance on processed vegetarian options, many of which are nutrient-poor.

We further suggest that monitoring is undertaken to ensure that vegetarian options remain appealing, balanced, and nutritionally adequate, avoiding default substitution with cheese-heavy or processed plant-based items.

Q 5: To what extent do you agree or disagree with the proposals that relate to potatoes cooked in oil, fried foods, sweetened baked goods and desserts, and pastry?

Agree

Supporting comment:

We support tighter restrictions and clarification of the different methods of cooking potatoes in oil or deep-frying them. We also support the introduction of information to guide catering staff on the inclusion of pastry-based items with the limit to once a week as a method of reducing saturated fat for children. The similar introduction of guidelines for sweetened desserts is also welcomed. These are proportionate measures which promote healthier food habits. Encouraging fruit and vegetable inclusion within desserts is an evidence-informed and pragmatic step.

Drinks in primary schools

Q 6: To what extent do you agree or disagree with the proposals that relate to providing only plain water, plain milk and plain plant-based drinks in primary schools?

Strongly agree

Supporting comment:

Estyn strongly supports the proposed restriction to allow only plain water, milk, and unsweetened plant-based drinks in primary schools. This change aligns with national health priorities by reducing children's sugar intake, tackling obesity, and improving oral health.

Portion sizes in primary schools

Q 7: To what extent do you agree or disagree with the proposals aimed at providing more appropriate portion sizes in primary schools for those in nursery to Year 2 and Year 3 to Year 6?

Strongly agree

Supporting comment:

We support the proposals regarding portion sizes within primary schools. The revised draft statutory guidance provides clear, measurable standards and supportive detail for catering staff for minimum and maximum quantities by age group and weekly planning targets. Introducing separate portion measures for nursery to Year 2 and Year 3 to Year 6 will help align nutritional intake with children's needs and growth stages. The age groups noted are appropriate as they match those used in other Welsh Government guidance for healthy eating (Eatwell Guide). It will also help guide catering staff for meals where portion sizes are too large or too small and will be better suited to meet the needs of children at different developmental stages. This approach promotes equity by ensuring that all children, regardless of their socio-economic background, receive the right amount of food to meet their needs, without under-or over-serving. This is particularly important in supporting children who may rely on school meals as a key source of daily nutrition.

We believe that the level of clarity in the proposals will give confidence to catering staff with regards to portion control and will help ensure consistent implementation and effective monitoring by schools and local authorities. In addition, greater clarity for portions should help reduce food waste and minimise unnecessary spending and the negative impact on the catering budget.

Breakfast in primary schools

Q 8: To what extent do you agree or disagree with the proposals relating to breakfast provision?

Strongly agree

Supporting comment:

We support the proposals to reinforce healthy options at breakfast. We fully agree that removing fruit juice from breakfast is a suitable measure to reduce sugar intake in a similar way to the changes to the drinks available with school lunch. In addition, increasing wholegrains ensures that breakfast offerings mirror the principles of a balanced diet. The separation of portion sizes for juniors and infants provided in the

statutory guidance for breakfast, in a similar way to lunch meals, is also welcomed. The guidance offers sufficient clarity and aligns with the Healthy Weight: Healthy Wales strategy.

The primary regulations guidance

Q 9: Is the draft statutory guidance supporting primary school food caterers (Healthy eating in schools regulations: draft statutory guidance for local authorities and governing bodies) to implement the draft regulations sufficiently clear?

Yes

Supporting comment:

The draft statutory guidance is well-structured and detailed. It offers practical portion sizes, weekly menu requirements, and implementation examples that schools can easily access when planning their school menus.

The tables with the overview for each food group along with requirements, interpretation and recommendations, makes it clear to staff what is meant for each group (p15-p29). This useful level of information explaining the benefits and requirements of each of the food types will support catering staff to develop their knowledge helpfully with regards to the suitability of each aspect for children. The section on energy and nutrient standards for 4 – 6-year-olds and 7 – 10-year-olds (p39 – p50) helps catering staff create suitable meals that meet the nutritional needs of young children which should help balance energy input and output to minimise with loss or weight gain. The sub-sections offer beneficial ‘practical advice to help catering staff and to improve the quality and nutritional values for meal preparation. The inclusion of clear definitions and expectations for each food group, including mandatory and prohibited items are helpful.

The change from one document (Healthy eating in maintained schools, 2014) to the two proposed documents needs to be made clear to schools so that they can use them together to make appropriate decisions for menus in schools.

Additional support such as menu templates, simplified quick-reference sheets with practical advice and case studies could further strengthen the clarity of the advice and build confidence of catering staff further, particularly in smaller settings with fewer catering staff.

To ensure the ambitious timelines (regulations live from 2026-27 and guidance finalised by December 2025) are realistic, it may be worthwhile to considering publishing a phased implementation roadmap. This could potentially set out any capital grants for kitchen

refurbishment and equipment; a national CPD programme for catering teams (e.g. recipe development, portion control, allergen management); and menu pilots in a representative sample of schools to identify any operational issues before full roll-out.

It may also be worthwhile considering how to monitor impact. For example, a few pointers for developing a simple and **common monitoring and evaluation approach** within the statutory guidance may provide an useful steer on the importance of monitoring impact of any changes. Key indicators collected could include, for example, meal uptake (overall and free-school-meal eligible); results of periodic plate-waste audits; pupil satisfaction findings; and compliance spot-checks against the nutritional standards.

Special diets

Q 10: Is the draft statutory guidance on the provision of medically prescribed dietary requirements and other dietary requirements sufficiently clear?

Yes

Supporting comment:

The guidance on medically prescribed diets and other dietary needs is sufficiently clear and offers important differentiation between statutory requirements and good practice. The acknowledgement of the two distinct groups is helpful. The inclusion within the guidance for clarity around legal obligations under the Equality Act 2010 is especially helpful. There is helpful guidance on the application of reasonable adjustments for pupils with disabilities, cultural needs, or healthcare conditions (e.g. allergies, diabetes, sensory sensitivities) with a continued focus on maintaining high expectations for healthy eating within the school setting. There are helpful suggestions for how catering staff can contribute appropriately to individual health care plans (HCPs) or individual development plans (IDPs). This will have a positive impact on disabled children and those with related additional learning needs and should be shared with medical and additional learning needs staff to ensure they ensure that all stakeholders are aligned in supporting pupils' dietary requirements within an inclusive, health-promoting framework..

Regulatory and wider impact assessment

Q 11: What challenges, if any, do you feel should be further recognised within the draft regulatory impact assessment?

While the draft Regulatory Impact Assessment (RIA) notes concerns about uptake among socio-economically disadvantaged children, the impact on equity if uptake drops requires deeper recognition. It could better highlight how this may inadvertently increase household food insecurity, particularly where learners reject school meals due to unfamiliar or unappealing options. This is especially true for those with dietary restrictions, sensory sensitivities or cultural requirements.

Further assessment and more explicit acknowledgement is needed around kitchen and staff capacity limitations, especially in small or rural schools with minimal facilities. Without funding clarity, the ability to deliver higher volumes of fresh food, including vegetables, grains, and hot meals, may challenge consistent implementation and may be compromised. Supply chain pressures and seasonal availability may limit access to the full range of fruit and vegetable varieties and schools in rural or economically disadvantaged areas may face higher costs.

The risk of alienating pupils due to inadequate accommodation of Halal, Kosher, or vegetarian diets is mentioned but underemphasised. Negative experiences here could drive pupils away from school meals and deepen inequalities. Further recognition for the impact of the changes on cultural and religious inclusivity would be welcomed.

It may be helpful to strengthen requirements to seek feedback on why children and families do not access free school meals where they are entitled to these.

Q 12: What positive effects, if any, do you feel should be further recognised within the draft regulatory impact assessment?

The RIA briefly mentions a “whole school approach,” but does not fully explore how the revised regulations can strengthen curriculum delivery particularly through the Health and Well-being Area of Learning and Experience. Cross-curricular links between food education, physical health, sustainability, and cultural identity could significantly enrich learner experience and deepen understanding of lifelong healthy habits.

There is limited acknowledgment of how improved school food environments can foster social development, reduce mealtime anxiety, and enhance inclusivity, particularly for neurodiverse children or those with emotional and behavioural needs. A positive, supportive lunch environment promotes a sense of safety and belonging, which in turn benefits learning and well-being.

While the universal free school meal provision is noted, the RIA could more clearly highlight how consistently healthy and attractive school meals can reduce stigma for low-

income learners. When nutritious meals are standard for all, children eligible for free meals are less likely to feel different or marginalised, supporting wider inclusion and equity goals.

Estyn welcomes the explicit linkage to Net Zero and it may be worth considering that the final regulations set **clear sustainability targets**, for example:

- a minimum percentage of Welsh-grown or locally-sourced produce;
 - publication of carbon-footprint data for menus (unless too onerous); and
 - a phased reduction in single-use packaging.
- Case studies from existing school-farm procurement pilots could be used to illustrate workable models that simultaneously enrich curriculum delivery

Q 13: What comments, if any, do you have on the draft impact assessments, particularly the impact of the draft regulations on children, families living in socio-economic disadvantage and people with protected characteristics (including evidence you feel should be considered)?

The draft regulations and accompanying guidance clearly aim to tackle socio-economic inequalities. The universal free school meal offer, when combined with healthier food standards, has the potential to significantly reduce child hunger and improve educational attainment. However, uptake remains a critical variable. The assessments acknowledge that any decline in school meal take-up could disproportionately affect low-income families, forcing them to provide packed lunches that may be nutritionally inferior and financially burdensome. In the short term, new menu restrictions (e.g. on processed meat or sugary items) may deter some children from eating school meals, increasing the risk of hunger, especially in households facing food insecurity.

This is particularly pertinent in the context of ongoing cost-of-living pressures. In alignment with the Socio-economic Duty under the Equality Act 2010 (Part 1), we believe the guidance would be strengthened by considering:

- disaggregated monitoring of meal uptake by Free School Meal eligibility, ALN, and ethnic background, to detect early disparities and
- targeted local engagement strategies to maintain or improve participation among disadvantaged groups, especially where new standards may initially reduce appeal.

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The guidance rightly strengthens duties around providing medically prescribed diets and necessary adaptations for pupils in Wales who have related ALN IDPs and HCPs. However,

to ensure consistency and uphold the rights of disabled pupils and those with ALN (as per the ALN Code), the Welsh Government should consider:

- developing a national toolkit or protocol for implementing inclusive dietary practices across education settings;

providing centralised training and funding to ensure all schools can cater safely and appropriately for dietary, sensory or feeding-related needs. Children from ethnic minority backgrounds and religious communities (e.g. Muslim or Jewish pupils requiring Halal or Kosher options) are at risk of exclusion if culturally appropriate meals are not provided.

To meet the Public Sector Equality Duty, the Welsh Government should:

- require co-design of menus with local communities and pupil groups;
- explore central procurement or support frameworks for sourcing Halal/Kosher-certified meals or vegetarian equivalents.

It may be worth considering adoption of a national template risk-assessment form and menu-adaptation matrix so that all local authorities follow consistent processes when catering for medical, cultural or religious diets. Where volumes are low, ring-fenced funding for halal, kosher or allergen-safe production should be considered to avoid inequities.

While some attention is given to gendered trends in obesity and eating disorders, there is little substantive analysis of how menu designs or food messaging may impact boys and girls differently, nor on how schools can sensitively address body image, gender identity, and neurodiversity through food policy and curriculum integration. These are sensitive areas that need to be carefully managed within schools.

Q 14: What comments, if any, do you have on how costs would be impacted on (including evidence you feel should be considered)?

To manage changes to the regulations, there may be a substantial need for capital investment to upgrade existing kitchen facilities and catering infrastructure, particularly in older school buildings or those with limited space. In addition, the possible need to increase staff capacity and the potential costs of additional staff training need to be considered. These may differ between schools and local authorities and could be of greater financial significance in small or rural schools with minimal facilities.

Adopting a higher proportion of fresh fruit, vegetables, and wholegrain products will have procurement implications. Supply chain pressures and seasonal availability may limit access to the full range of fruit and vegetable varieties and schools in rural or

economically disadvantaged areas may face higher costs. Transitioning to wholegrain and fresh produce may also increase short-term costs.

While the initial implementation of the regulations may increase short-term expenditure, due to infrastructure, training, and procurement changes, longer-term savings and benefits may accrue through improved pupil health, reduced food waste (with better planning), and economies of scale. It is important that the cost modelling reflects both the transitional burden and future opportunities, aligned with the Healthy Weight: Healthy Wales strategy.

The financial impact will not be uniform across Wales. Schools in socioeconomically disadvantaged areas or those serving a high proportion of pupils eligible for free school meals may face proportionally higher costs. The Welsh Government should consider developing targeted funding mechanisms or ring-fenced grants to support these schools in ensuring compliance without compromising on quality or access.

We therefore suggest that the final Regulatory Impact Assessment consider the publishing of transparent per-meal cost scenarios (urban versus rural; small versus large schools) and outline funding mechanisms—such as joint-procurement arrangements—to safeguard catering budgets.

Promoting healthy eating statutory guidance: primary and secondary schools

Q 15: Is the draft statutory guidance, aimed at supporting local authorities and governing bodies to deliver their duties to promote healthy eating and drinking, sufficiently clear? (Feel free to provide examples of anything you think is missing.)

Yes

Supporting comment:

The revised guidance clearly outlines the duties of local authorities and governing bodies to deliver their duties to promote healthy eating. It clearly explains the statutory requirements across key sections of the Measure, including duties to promote healthy eating, ensure access to drinking water, protect the identity of pupils receiving free meals, and encourage school meal take-up.

Possible additions to the guidance could include:

- Providing quick-reference summaries or flowcharts for duties by stakeholder.
- Including model templates or checklists for compliance reporting (e.g. for governors' annual reports).
- Adding more case studies showcasing effective whole-school approaches in different contexts (e.g. rural vs urban, high FSM vs low FSM schools).

- Ensuring governors are clearly aware of the two new documents that need to be used together to meet their healthy eating and drinking responsibilities.
- Exemplars on establishing opportunities to increase pupil contributions/voice, for example through pupil food council in schools to co-design menus, lead tasting sessions and feedback on the dining experience.
- Strengthen links between caterers and the Health & Well-being AoLE, ensuring classroom learning reinforces cafeteria choices.

Call for evidence: secondary schools

Q 16: How can we achieve a nutritionally balanced and appealing food offer in secondary schools? (Feel free to provide examples of good practice or evidence that supports your response.)

The following outlines possible suggestions of good practice that could be shared and promoted within future documentation to meet this aim:

- pre-order ‘click and collect’ apps that display only compliant options;
 - scheduling adjustments guaranteeing at least 20 minutes seated eating time;
 - “value bundles” (e.g. fruit plus main meal) to nudge healthier choices.
- The 2024 School Health Research Network survey could provide a baseline for evaluating impact
- Encourage the co-design of menus with pupils, staff and parents to improve uptake.
 - Collaborative efforts, such as involving parents in menu planning or organizing community cooking events, can enhance the effectiveness of school-based nutrition programs.
 - Promote grab-and-go options that meet nutritional standards (e.g. wholegrain wraps with lean protein and vegetables).
 - Introduce visual labelling of healthier choices and those options that meet particular dietary requirements.
 - Ensure healthy choices are available at all outlets, not just the main canteen.
 - Improve the dining experience and dining facilities for pupils.
 - Ensure the curriculum (with a focus on the Health and Well-being AoLE) links with the catering team within the school to promote healthy eating and healthy lifestyle choices.
 - Include pupil leadership groups in the development and promotion of the catering offer within the school.

Mandatory questions

Q 17: What, in your opinion, would be the likely effects of the legislation on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

Do you think that there are opportunities to promote any positive effects?

Do you think that there are opportunities to mitigate any adverse effects?

We anticipate no negative impacts on the Welsh language. There is an opportunity to use the guidance to promote Welsh food terms through bilingual menus and resources and use food-based themes to support Welsh cultural learning. In addition, topic language could be integrated into learning within the Curriculum for Wales within the Health and Well-being and Language, Literacy and Communication AoLEs.

Q 18: In your opinion, could the legislation be formulated or changed so as to:

-have positive effects or more positive effects on using the Welsh language and on not treating the Welsh language less favourably than English; or

-mitigate any negative effects on using the Welsh language and on not treating the Welsh language less favourably than English?

The legislation could:

- Require bilingual signage on menus and promotional materials.
- Encourage caterers to use Welsh food terms (e.g. tatws, pys).
- Embed food vocabulary within Welsh-medium and bilingual settings as part of wider cultural education.
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Q 19: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them: