



Response by LACA (Local Authority Caterers Association) to the School Standards and Organisation (Wales) Bill.

Background of LACA

The LACA (Local Authority Caterers Association) was formed in 1990. It is the professional body representing 750 catering managers who provide services to all sectors of local authorities across Scotland, Wales and England. These services include meals in the community ('Meals on Wheels'); social services catering; elected member and staff catering; civic catering and school meals. Without doubt the largest provision of meals and services by the members is school lunches. In the region of 3 million meals are served on a daily basis in more than 23,000 state schools. The annual turnover is in excess of £360 million. Nearly 100,000 staff are employed in the industry. LACA has been represented and worked closely with Government Departments in England (in particular the Department for Education, the Department of Health, and the School Food Trust) for some considerable time and The Welsh Government. In addition LACA has worked on a number of projects with the Foods Standards Agency.

LACA has members working in 20 of the 22 Local Authorities in Wales. A full consultation of the Welsh Members of LACA has been carried out in the preparation of this response.

LACA's Response

Our response to the **White Paper: School Standards and Organisation (Wales) Bill** is solely regarding:-

- i. Paragraph 5.3 The Primary School Free Breakfast Initiative (page 25).
- ii. Paragraph 5.5 Flexible Charging for school Meals (page 29).

5.3 Primary School Free Breakfast Initiative **The proposals**

- a. *To give governing bodies of maintained primary schools the power to request free breakfasts from the local authority.*

- b. To place a duty on local authorities to provide free breakfasts in maintained primary schools in response to a request from the school, or where it is already providing free breakfasts, unless it would be unreasonable to do so.*
- c. To give local authorities the power to withdraw free breakfasts in individual schools if circumstances change and it would be unreasonable to continue to provide it.*
- d. To give the Welsh Ministers the power to issue guidance in relation to the provision of free school breakfasts.*
- e. To give local authorities the power to decide the breakfast content subject to compliance with any regulations made under the Healthy Eating in Schools (Wales) Measure 2009.*
- f. To give the Welsh Ministers the power to transfer to the governing body of a maintained primary school, by order, the local authority's duty to provide free breakfasts.*

Without doubt the Welsh Government's Primary School Free Breakfast Initiative which was first introduced in September 2004 has been highly successful. The White Paper indicates that 71% of schools are currently involved, (some authorities have an even higher uptake of 87%). This represents a high proportion of primary schools which are taking advantage of this extremely important provision.

The changes proposed in paragraphs a - f appear to create no negative issues for our members.

The overriding threat to this provision is the proposed change that the Specific Grant will cease and be transferred to the Revenue Support Grant (RSG) as part of the Local Government Settlement. We accept that by transferring the funding to the RSG, underpinned by legislation, would reduce the bureaucracy involved in running the grant scheme for both local authorities and the Welsh Government.

The concern that LACA members have is that it is proposed to transfer these monies without the level of a ring fenced grant.

In England the cessation of ring fencing of the School Lunch Fund has already resulted in the school meals service losing a high proportion of the money that arguably should be used to continue to provide healthy, nutritious and appetising meals to pupils in State Schools.

The Welsh Members of LACA believe that without the provision being ring fenced, the number of schools taking part in the free breakfast initiative will be greatly

reduced or at the worst the provision disappear. Set out below are some of the positive outcomes that have resulted since the introduction of free breakfasts:-

- Many of these pupils do not receive a breakfast at home. The free breakfast at school has become a vital service for many thousands of pupils.
- Research has indicated that children who have eaten breakfast, learn and concentrate in lessons more effectively. It also helps for better behaviour in the classroom.
- In many families both parents are working full time. Breakfast at school has assisted in ensuring that pupils are in a safe, secure and caring environment.
- Breakfast Clubs have become an additional educational resource as pupils learn about the need to eat a balanced healthy diet, which we hope will encourage them to become healthy adults. This is not only important for their future but will put less pressure on the National Health Service later on in their lives.
- Sadly there are a number of deprived children attending primary schools. Breakfast at school not only provides them with a good meal at the start of the day but also assists with identifying any specific problems.
- It is a well known fact that some pupils no longer sit at a table, socialise and use cutlery to eat their meals whilst at home. This provision has given them the opportunity to learn table manners and to socialise with their peers.
- The free breakfast has given part time employment to a considerable number of people (mainly women). Many of these staff are solely employed just for this scheme. If the demand greatly reduces, it will have implications in that jobs will be lost and redundancy payments will have to be made. For example, in one local authority 98 of the 127 primary schools are signed up to the free breakfast initiative. 380 staff are employed just for breakfasts.

Future Funding

In the White Paper there is no indication regarding a mechanism of increasing the funds to an authority over forthcoming years. There has been no increase in hourly staffing rate or food costs for some time.

The Administration Fee that is at present paid to the local authority must be included in the delegation. Clarification is needed in the details.

5.5 Flexible Charging for School Meals

The proposal

- a. To repeal sections 512ZA (2) and 533(4) of the Education Act 1996 to give local authorities and governing bodies of maintained schools the freedom to charge different persons different prices for the same quantity of milk, meals and other refreshments.*

The members of the Welsh Region of LACA broadly support the principle of flexible charging for school meals but have concerns regarding part of the proposals.

- i. To discount the cost of meals for a limited period for the new intake in infant, junior and primary schools;*

Any initiative to increase the take up of school meals has to be viewed as positive and the introduction of the ability to use flexible pricing has its attractions. We fully support the proposal to have the freedom to discount the cost of meals for a limited period for the new intake in infant, junior and primary schools.

In the past, in some Local Authorities there was a policy of flexible charging by age groups i.e., a lower price for infants in primary schools and a higher charge when the pupil went to secondary school. However, in other Local Authorities, school meals selling prices to the parents were the same across the pupil's school career. The rationale for this was that a pupil would take school meals for the whole of his or hers school attendance, therefore the system was equitable.

- a. A lower price for the reception and possibly all the infant pupils. LACA members would suggest that this option could include the provision of a slightly smaller portion of food. It is true to say that the very young 4 to 5 year olds do not eat as much as a 10 to 11 year old junior. It is our opinion that this would not greatly alter the balance of the nutritional intake required by Appetite for Life. A lower price for the reception class for the first year in school would encourage them into the habit of having a healthy school meal at the start of their education and set a pattern for the future.
- b. Flexible charging would enable Local Authorities to provide special offers In particular to promote special offers such as "Buy four, get one free" to encourage pupils to take meals for the whole week, not just roast and chip days!

- ii. To discount the cost of meals for families where there is more than one child wanting school meals.*

It is worth mentioning that the structure and organisation of Education and schools in Wales is different from England. There are no academies and free schools in Wales and that at present primary school budgets have not been delegated down to the schools. We are aware that this may happen in the future. Also the provision of school meals is delivered by "in house providers" employed directly by 20 of local authorities. Two contracts have been awarded to private contractors, those of Anglesey and Newport. The current arrangements for secondary schools vary throughout Wales; it would appear that the majority continue to use the in house provider from the local authority.

As stated in the White Paper, at present it is the law that schools and local authorities must charge the same price for the same meal. This amendment would mean that schools would be allowed to charge different prices for the same

meal to different groups of children. This does not follow the Equality Act and would be discriminating.

It would make it easier for schools to offer reduced prices; this could be used to help families on low incomes or families with more than one child at school. LACA Welsh Members are extremely concerned about the practicalities, the financial implications and the monitoring of this proposal. Concerns have also been raised in relation to how do you define family?

- Will it be the Local Authority or the Head Teacher of the school who is going to decide who should receive a cheaper meal?
- We have all spent years working on protecting those entitled to free meals from being identified.
- Will this create another group of children who will need protection from social stigma?
- Where are the finances going to be found to pay the difference in the cost and the reduced charge to the parent particularly at a time when local authorities have to reduce overall expenditure?
- Reducing the charge to some parents and not to others could cause local difficulties particularly in small rural communities. There needs to be a structured system to ensure fairness and equity in the decision to grant a family a cheaper school meal.
- Who is going to be responsible for the administration of this proposal?

The Welsh Government has shown by the long consultations and pilot schemes that it has carried out with the introduction of “Appetite for Life” its determination to take into account all the issues to ensure a workable law. LACA recommends to the Welsh Government that before this section of the bill becomes law, a pilot scheme in a representative local authority and some schools is introduced to assess its impact, the cost and the practicalities.

b. To amend sections 512ZA and 533 to prevent schools and local authorities from charging more than the cost of providing milk, meals or other refreshments to Pupils.

Explanation: Currently there is no cap on how much a pupil can be charged. We want to avoid the situation whereby one group of pupils could be charged a higher price for a school meal in order to subsidise a lower charge to another group of pupils. This provision would mean that local authorities and schools must not charge a price that exceeds the cost of providing the meal.

LACA broadly supports this proposal that no pupil or parents should be charged a higher price in order to subsidise a lower price to another group of pupils. Following our consultation it has been shown that colleagues have interpreted this proposal in different ways. Does it mean in order to offer a lower price to pupils whose parents are in receipt of low incomes?

The issue of small rural schools has been raised as they have a higher total cost of production than larger town schools. If the funding is delegated and the price is set by the school, potentially there is a two pound difference between the dearest and cheapest school. LACA therefore suggests that the issue of the higher provision costs of rural schools needs to be addressed as in essence strict interpretation of this proposal could create a huge price increase in small rural schools.

We recommend that the wording of amendments 512ZA and 533 to clarify what is meant by “the cost of providing milk, meals and other refreshments”. The production cost of the school meal has to include food, direct labour, management, maintenance and replacement equipment and central overheads. We suggest that the word “Total” is inserted before the word cost which would make the issue clearer.

Summary

The members of the Welsh Region of LACA respectfully request that the Welsh Government take account of the issues raised in this response and consider the following recommendations:-

The Primary School Free Breakfast Initiative

We support the delegation to Local Authorities of the Specific Grant. We urge the Welsh Government to ring fence this grant for the sole use of free primary school breakfasts.

Flexible Charging for School Meals

- i. We have indicated our concerns regarding the proposal to discount the cost of meals for families where there is more than one child wanting school meals.

We ask you to give serious consideration that before the introduction of this proposal a pilot scheme is set up in one or more local authorities. This would test the viability and administration of this change.

- ii. We request the following change to read as follows:-

To amend sections 512ZA and 533 to prevent schools and local authorities from charging more than the **total** cost of providing milk, meals or other refreshments to Pupils in order not to subsidise a lower price to pupils whose parents are in receipt of low incomes.

In conclusion LACA members support most of the proposals with the reservations identified in our response. We do believe that there are some ambiguities that could lead to misinterpretation that need to be refined. We strongly recommend a pilot scheme before the proposals are made Law.

If there are any matters that you wish to discuss or seek clarification please do not hesitate to contact us.

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