

## **PAPER 16**

### **ANCILLARY LEGISLATIVE PROVISIONS – VENDING MACHINES AND OTHER FOOD IN SCHOOLS**

#### Key Issue

1. Current policy is to introduce pupils to an understanding of the benefits of a healthy diet through the medium of the school meals service. To achieve this goal, new Nutritional Standards for school meals are in the process of being introduced which increase the availability of healthy foods and diets in school canteens. However, the impetus generated by this approach is being undermined through competition from unhealthy foods provided on school premises via vending machines and tuck shops. The existing legislative power does not cover the provision of vending machines supplied directly to a controlled/maintained school via a private contract with a supplier.

#### Policy Requirement

2. The purpose of the change to the existing legislation is to ensure that ALL grant-aided schools, including controlled schools who have entered into private food vending supply contracts with suppliers, provide only healthy foods to pupils through vending machines and tuck shops.

#### Existing Arrangements

3. Article 52(1) of the 1986 Order does not cover the provision of vending machines in controlled and maintained schools which are the subject of a private contract between the supplier and the school.

#### Summary of Current Legal Position

See above.

#### Options for Taking Forward Policy Requirements

N/A

#### Views of Stakeholders: (DE Bilateral Meetings)

4. The Nutritional Standards policy has been consulted upon, and agreed as government policy. The proposed amendment simply underpins the agreed policy, and has also been the subject of consultation. It is essential to ensure that all schools apply a common policy ahead of the establishment of the new Education and Skills Authority.

#### Good Practice Guidance

N/A

#### Specific Issues to Consider

5. There is some evidence that a few schools may be unwilling to extend the concept of Nutritional Standards for school meals to cover vending machines and other food outlets (such as tuck shops). The power which is now sought will therefore remove any discretion for schools to remain outside the new Standards.

#### Recommendation for Way Forward

7. Approve the inclusion of this amendment in the RPA legislation to ensure that DE has the authority to ensure that schools adhere to the whole school food approach to healthy eating.

#### Legislative Powers Required

8. An amendment is required to Article 58 of the Education and Libraries (NI) Order 1986, as amended by Schedule 9 of the Education (NI) Order 1989 to ensure that ALL grant-aided schools, including controlled schools who have entered into private food vending supply contracts with suppliers, provide only healthy foods to pupils through vending machines and tuck shops.

**Resource Allocation Division  
28th November 2006**