



Education Report: Public consultation on proposed changes to the promotion and provision of healthy drinks in schools

To:	Hon Chris Hipkins, Minister of Education		
Date:	26 January 2022	Priority:	Medium
Security Level:	In Confidence	METIS No:	1279417
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Messaging seen by Communications team:	N/A	Round robin:	No

Purpose of report

This paper seeks your agreement to circulate the attached draft Cabinet paper on the promotion of healthy food and nutrition in all schools, and the provision of healthy drinks in primary schools, for Ministerial consultation

Summary

- On 29 June 2021, you asked us to commence work on Regulations to replace the existing requirement on all schools to promote healthy food and nutrition in National Administration Guideline (NAG) 5b (METIS 1257543 refers). You also asked us to strengthen the current obligation by imposing a duty on school boards teaching years 1-8, to only provide healthy drinks to students.
- We recommend placing the new strengthened duty on all schools with students in years 1-8 to only supply healthy drinks to year 1-8 students. The attached draft Cabinet paper seeks approval for public consultation on these changes.
- Departmental consultation occurred between 13 and 18 January. Respondents were supportive of the proposal and provided feedback that has been incorporated into the Cabinet paper and discussion document attached at Annexes 1 and 2.
- We propose that you begin Ministerial consultation on Friday 28 January, ahead of the paper being considered by the Social Wellbeing Committee on 16 February. This would be followed by public consultation for five weeks.

Recommended Actions

The Ministry of Education recommends that you:

- note** that we have attached a draft Cabinet paper and discussion document seeking approval to consult publicly on options to replace NAG 5b with Regulations

Noted

- b. **note** that we have identified three options for consultation for replacing NAG 5b with Regulations and a new duty to only provide healthy drinks for students in years 1-8
- i) Option 1: replace the existing NAG 5b with a duty in Regulations and impose the additional duty on schools and kura to only provide healthy drinks for students in years 1-8
 - ii) Option 2: replace the existing NAG 5b with a duty in Regulations, and impose an additional duty on all schools (primary and secondary) to only provide healthy drinks
 - iii) Option 3: replace the existing NAG 5b with a duty in Regulations to promote healthy food and nutrition, with no additional duties on school boards regarding the provision of healthy drinks
- Noted**
- c. **note** that the attached discussion document is being used as an interim Regulatory Impact Statement (RIS), and that a full RIS will be completed prior to final policy approvals being sought in May 2022
- Noted**
- d. **agree** to circulate the attached Cabinet paper and discussion document for Ministerial consultation ahead of lodging for Social Wellbeing Cabinet Committee

Agree / Disagree

Proactive Release Recommendation

- e. **agree** that this Education Report will be proactively released once final Cabinet decisions have been made.

Agree / Disagree

9(2)(a)



**Group Manager
Te Puna Kaupapahere - Policy**

26/01/2022

**Hon Chris Hipkins
Minister of Education**

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Our proposed approach

We are proposing to consult on three options for the promotion of food and nutrition, and the provision of healthy drinks

1. The attached Cabinet Paper (Annex 1) seeks approval to release the associated discussion document (Annex 2) for public consultation. The discussion document, which is an interim regulatory impact analysis, sets out three options for the future regulation of healthy food and drinks in schooling.

Departments were supportive of the options identified and their feedback has been incorporated into the draft Cabinet paper

2. Further to your agreement on 20 December 2021 (METIS 1278189 refers), departmental consultation occurred between 13 and 18 January. The key feedback we received from departments (which has been noted or reflected in the Cabinet paper and discussion document) includes:
 - a) The **Ministry of Health** provided an additional statistic on the increased rates of obesity in New Zealand between 2020 and 2021, which is taken from the New Zealand Health Survey 2021. The Ministry of Health also requested that the exact wording of the definition of 'healthy drinks' in their guidance for schools be used in the Cabinet paper, discussion document and all future communications.
 - b) The **Office for Disability Issues** highlighted that any future work to improve school infrastructure to support this policy, such as water fountains, should be accessible to those with physical impairments and be placed in easy-to-find locations for those with vision impairments. This will be kept in mind in the event that funding is considered to support primary schools with inadequate infrastructure to meet the duty.
 - c) The **Child Wellbeing and Poverty Unit** recommended drawing a more specific line between the aim of the new duty to address poor oral health, and the aims of the Child and Youth Wellbeing Strategy.
 - d) The **New Zealand Qualifications Authority (NZQA)** highlighted the need for supporting documentation for schools to use when engaging with their school communities about the new duty on primary schools to only provide healthy drinks. This will be considered as part of the communications plan and guidance provided to schools when regulations come into force.
 - e) The **Ministry for Ethnic Communities** and the **Ministry for Pacific Peoples** both recommended that particular effort be made to ensure that the views of ethnic communities and Pacific communities are sought as part of the public consultation. This will form part of the communications plan which supports the consultation.
3. The majority of departments supported including secondary schools in this duty in future.

Next Steps

4. Following feedback from Ministerial consultation, we will provide your office with a final paper ready for you to lodge on 10 February, for consideration at Social Wellbeing Committee on 16 February.

Annexes

Annex 1: (Draft) Cabinet paper

Annex 2: Discussion document: Proposed changes to the promotion and provision of healthy drinks in schools

Proactively Released