



Education Report: Healthy Drinks, Food, and Nutrition Reprioritisation

To:	Hon Jan Tinetti, Minister of Education		
Date:	6 July 2023	Priority:	Low
Security Level:	In Confidence	METIS No:	1312837
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Messaging seen by Communications team:	No	Round Robin:	No

Purpose of report

This paper seeks your agreement to defer report backs on the provision of healthy drinks and food in schools until December 2024, to reduce pressure on schools from further extensive engagement across the country that is required to inform these report backs. Deferral would also enable the Ministry of Education (the Ministry) to focus on other priorities on the education work programme.

Recommended Actions

The Ministry of Education recommends that you:

- note** that on 24 August 2022, Cabinet noted that the Ministry was directed by the Minister of Education to undertake further work on implementation of a healthy drinks duty on primary and secondary schools, and investigate a potential joint work programme with the Ministry of Health on the provision of healthy food and nutrition in all schools and kura, and to report back to Ministers by December 2023.
- note** that to inform these report backs, research needs to be commissioned which will involve extensive engagement with schools across the country at a time when schools are indicating they are overwhelmed by the number of changes and engagements that the Ministry is undertaking.
- agree** to the Ministry deferring these report backs to December 2024, to enable it to relieve the existing pressure from schools and focus on other priorities on the education work programme.

Noted

Noted

Agree / Disagree

Proactive Release

- d. **agree** that the Ministry of Education release this paper in full once it has been considered by you.

Agree / Disagree



Jennifer Fraser
General Manager
Te Pou Kaupapahere

06/07/2023



Hon Jan Tinetti
Minister of Education

19/07/2023

Proactively Released

Background

Public consultation occurred in 2022 on a proposed new duty on primary schools to provide only healthy drinks

1. The National Administration Guidelines (NAGs) ceased to have effect from 1 January 2023. This included a requirement to promote healthy food and nutrition for all students (NAG 5(b)). This presented an opportunity for NAG 5(b) to be strengthened and public consultation occurred in April-June 2022 on transferring this requirement into regulations as well as including a potential new duty for primary schools (years 1-8) to provide only healthy drinks.¹
2. This was to respond to research in New Zealand that highlighted concerns around dental decay and poor oral health of children. Submissions from public consultation showed strong support for this proposed new duty to also include secondary schools as well as calling for regulation around the provision of healthy food in schools.

Cabinet decided not to pursue the proposed new duty and instead noted that the Ministry would undertake further policy work on the provision of healthy food and drink in schools

3. Because of a lack of information around the potential barriers and impacts of a healthy drinks duty on secondary schools, Government decided to replace NAG 5(b) in regulations with no additional duty on schools to provide only healthy drinks [SWC-22-MIN-0151 refers]. The Regulations (Education (School Boards) Amendment Regulations 2022) came into force on 1 January 2023.
4. As part of Cabinet's policy decisions in 2022, they noted two areas where the Ministry was directed to report back to relevant Ministers by December 2023 on:
 - a. gathering further evidence on implementing a duty to provide only healthy drinks in secondary schools as well as primary schools; and
 - b. investigating a potential joint work programme with the Ministry of Health on the provision of healthy food and nutrition in schooling and kura with a report back to the Ministers of Education and Health [SWC-22-MIN-0151 refers].

Proposed approach

Due to the pressures that schools are under across the country and other priorities on the education work programme, we are seeking your agreement to delay this work until 2024

5. The Ministry has begun work on a proposed approach for gathering information to inform the report-backs. This includes a stocktake of previous and current strategies in healthy food promotion in New Zealand, and an international literature review on best practice regulatory approaches.
6. Preliminary work has also been initiated on the procurement of a research provider to gather further information on healthy food and drinks policies and practices in schools to inform report-backs in late 2023. In particular, the barriers secondary schools might

¹ 'Healthy drinks' was defined in the 2022 public consultation discussion document as plain, unflavoured water, reduced or low-fat milk, or unsweetened reduced or low-fat plant-based milks (e.g., soy, rice, almond, oat) with added calcium and vitamin B12.

face to implementing a healthy drinks duty, which was a key gap identified from the public consultation last year. This research would involve extensive engagement with schools, including surveying every school in the country. It is a critical piece to informing future policy options and decisions for both report-backs.

7. We have heard from schools that this is a busy time of the year, and they are feeling overwhelmed by a range of regulatory changes and engagements being proposed by the Ministry. As a result, the Ministry may not get the level of engagement from schools necessary for this research. This is especially the case for schools in the upper North Island regions that have been affected by severe weather events.
8. To reduce the pressure schools are experiencing this year, we recommend deferring these report-backs by a year to December 2024. This means that the research that needs to be commissioned to inform these report-backs is delayed by six months until early 2024. This will enable more time to gather better evidence to inform regulatory options and implementation advice back to Ministers, particularly given the gaps in data that have been identified so far. It also enables the Ministry to support schools in their recovery from the impact of severe weather issues, as well as focus on other priorities on the education work programme in 2023.

We will develop a communications plan to key stakeholders to update them on this decision if you agree

9. If you agree, the Ministry will update key stakeholders to let them know that this work has been delayed until 2024 and provide the reasons for doing this. This will be communicated through updated text on the Ministry's website, as well as emails to key stakeholder groups including the Ministry of Health, Health Coalition Aotearoa, Te Whatu Ora Regional Public Health teams, and the Food and Grocery Council.
10. These groups have been heavily invested in this work, providing substantial submissions during consultation, placing official information requests, and requesting to meet with you several times. The Ministry will develop reactive questions and answers to respond to concerns.

Risks

11. Research in New Zealand has highlighted free sugars as contributing significantly to high rates for children and young people of obesity, poor oral health, diabetes, and other health-related diseases. Delaying the report-backs means that there is a missed opportunity to make timely progress on further work to strengthen the regulatory settings in schools to respond to these problems. However, the Education (School Boards) Amendment Regulations 2022 still require schools to promote healthy food and drink.
12. Health organisations who have supported these proposed duties on schools may express concern about delaying this work, and the impact this will have on students' health. The Ministry proposes to mitigate this risk with the above communications plan, including emails to key stakeholders advising them that this work programme remains important to this Ministry and the research needed to inform report-backs to Ministers will be commissioned in early 2024.