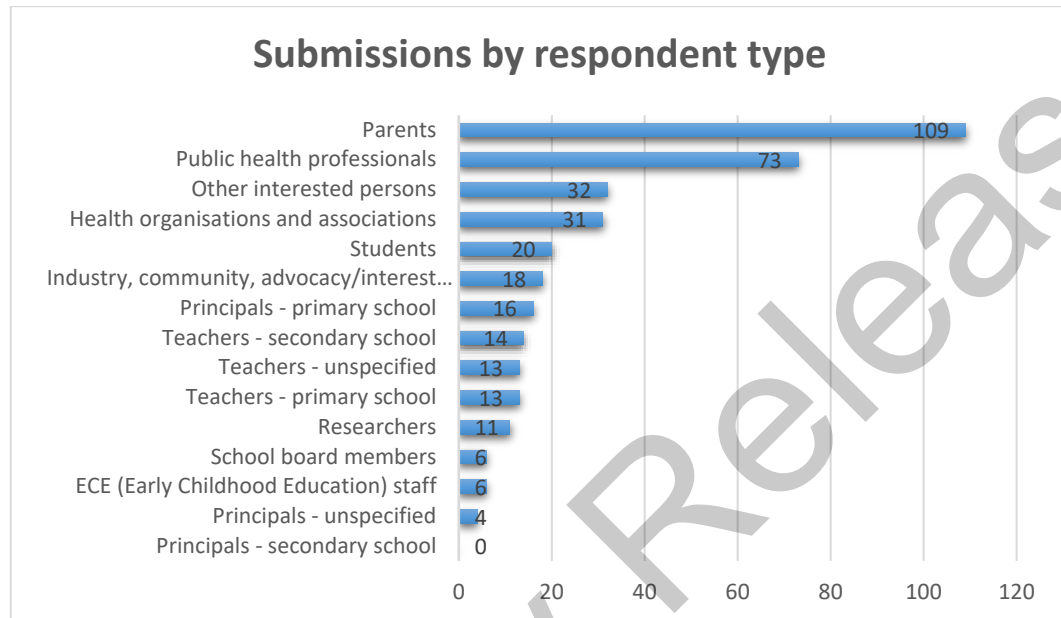


## Appendix One: Analysis of public consultation submissions on proposed changes to the promotion and provision of healthy drinks in schools

### Overall responses from submissions

- 1) Overall, the Ministry of Education received 322 submissions. The majority of submissions were from those identifying as parents (109) or public health professionals (73). The following graph provides a breakdown of the respondent types<sup>14</sup>.



- 2) The data shows limited feedback received from schools (boards, teachers, and principals), which may limit the assessment of implementation issues.

### Key themes from submissions

- 3) The key themes from submissions were:
- Submitters were overwhelmingly supportive of the proposed new duty, but many wanted to apply the duty to all primary and secondary schools, with some suggesting early childhood services too.
  - There was limited feedback from secondary school boards, principals, and teachers on the barriers they might face in implementing a duty in future. Many identified challenges around phasing out contracts with drink suppliers and loss of school revenue.
  - Submitters generally agreed with the proposed definition of healthy drinks but sought further clarification or restrictions (i.e. plain water should be uncarbonated). Other submitters also wanted other drinks included in the definition (i.e. full-fat milk).
  - A number of submitters called for the provision of health and nutrition education and a new option to include the provision of healthy food and drink.

<sup>14</sup> many respondents identified as 2 or more of the categories, the added value of each respondent type may exceed the sum total of respondents.

- Many submitters felt there should be a lead-in time to allow schools to adjust to the regulation, supplemented with education on the benefits of healthy drinks.
- Submitters generally agreed with the circumstances where it would be reasonable for the duty not to apply. Some thought circumstances should be extended to include infrequent events like galas, fairs, and discos.
- School teacher and principal representative organisations had differing responses. NZ Principals Federation supported extending the duty to provide healthy drinks to secondary schools. In contrast, NZ Education Institute Te Riu Roa and the Post Primary Teachers' Association supported replacing NAG 5b with no additional duty in regulations. The NZ School Trustees Association did not submit during public consultation but supported a new duty in primary schools.

### Problem definition (Question 2)

*Do you agree with our view of the problem? If not, why not?*

*What other problems, if any, do you think should be taken into consideration in assessing options?*

- 4) 96% (310 of 322) respondents answered this question. Of the 310, 85% (or 263) of 310 respondents agreed either in full or in part with the problem definition. Regardless of whether they agreed or disagreed, 75 respondents stated the problem definition was too narrow, with 63 stating that other unhealthy foods and drinks be included in the problem definition.

### Objectives (Question 3)

*Are these the right objectives? Can you think of any others to add?*

- 5) 82% (266 of 322) of respondents answered this question. Of the 266, 58% (156) agreed with the objectives set out in the discussion document. Of those who disagreed, the most common theme was that the scope of the objectives was too narrow and needed to cover broader health and wellbeing issues.

### Options (Question 4)

*Are there any other options that you think should be considered?*

- 6) We presented three options in the consultation document. These were:
- Option 1: Replace the existing NAG 5(b) with a duty in Regulations for all schools and kura to promote healthy food and nutrition, and a duty on all schools with students in years 1-8 to only supply healthy drinks to year 1-8 students.
  - Option 2: Replace the existing NAG 5(b) with a duty in Regulations and place an additional duty on all schools (primary and secondary) to only provide healthy drinks.
  - Option 3: Replace the existing NAG 5(b) with a duty in Regulations to promote healthy food and nutrition with no additional duties on school boards regarding the provision of healthy drinks.
- 7) After presenting these options, we asked respondents if other options needed to be considered. 79% (253 of 322) of respondents answered this question. Of the 253, 32% (or 82) felt that no other options were needed.

- 8) 93 respondents stated their preferences for the options:
- 11% (10 of 93) of respondents supported Option 1
  - 86% (80 of 93) of respondents supported Option 2
  - 3% (3 of 93) of respondents supported Option 3
- 9) Other respondents listed various alternative options that could be used, of which three options stood out:
- a) 26 respondents supported including the provision of health and nutrition education.
  - b) 44 respondents supported including a duty in regulation to promote and provide healthy food as well as healthy drink. Within this group, 12 supported an alternative option.
- "The existing nutrition guidelines for schools are replaced with a regulation that all schools and Kura Kaupapa Māori promote healthy, nutritious food, and a duty on all schools (primary and secondary) to only provide healthy food and drinks".<sup>15</sup>*
- 10) This table shows a breakdown of main respondent types to question 4. Out of 11 secondary school teachers who answered this question, one specified that the duty should apply to secondary schools.

<b>Question 4: Respondents who stated that regulation should include other school settings</b>				
Total	Secondary teachers	Public Health Prof	Health Organisations	All other respondents
80/253 (32%)	1/11 (9%)	33/62 (50%)	27/31 (87%)	19/149 (13%)

### Definition of healthy drinks (Question 5)

For Options 1 and 2, 'healthy drinks' are defined as:<sup>16</sup>

- Plain, unflavoured water;
- Reduced or low-fat milk; and
- Unsweetened reduced or low-fat plant-based milks (e.g., soy, rice, almond, oat) with added calcium and vitamin B12.

*Do you agree with this definition of healthy drinks? Are there any other drinks you think should be allowed, or any included in this definition that shouldn't be? If so, what are your reasons for including or excluding these drinks?*

- 11) 89% (287) answered this question. Of the 287, 59% (170) agreed with the definition of healthy drinks, while 12% (34) disagreed. Not all those who agreed, agreed in full, proposing either an expanded or restricted alternative to the definition – e.g., allowing for full-fat milk or other drinks to be included, or clarifying that water is still/uncarbonated.

<sup>15</sup> Quoted from respondents 305, 306, 258, 279, 288, 289, 296, 302, 305, and 306

<sup>16</sup> This is consistent with the Ministry of Health's existing guidance on healthy drinking in schools, and the guidelines for the Ka Ora Ka Ako free lunches programme.

**Difficulty in provision in primary schools and composite schools (Question 6)**

*Can you think of any difficulties primary schools might have in only providing healthy drinks? Would a 'lead-in' period be helpful for schools to transition to the new duty?*

*If you are an area and/or composite school, are there particular difficulties you may face implementing this duty?*

- 12) 75% (241) answered this question. Of the 241, 57% (105) felt there would be no difficulties in providing healthy drinks in primary school settings, and that a lead-in period would not be required. 43% (79) felt that there would be difficulties, and that a lead-in period would be needed.
- 13) 45 submissions stated that additional resourcing would be required to support the duty. The lack of adequate water infrastructure was a dominant theme within this subset. In general submitters did not have a regional focus, however some referred to rural settings as being in need of infrastructural improvements. 58% of submitters who mentioned the lack of adequate water infrastructure were parents, 21% were teachers and the remaining 21% were split between other groups.

**Challenges in secondary school (Question 7)**

*Can you think of any benefits and/or challenges that secondary schools would face in meeting a new legal duty to only provide healthy drinks?*

- 14) 83% (268) answered this question. This included 12 (85.7%) secondary school teachers, 4 (66.6%) school board members, and 15 (75%) students.
- 15) Of the 268, 42% (113) felt there would be difficulties for secondary schools to implement a duty. Key challenges identified were:
- a) monitoring and enforcement;
  - b) phasing-out contracts with drinks suppliers; and
  - c) loss of revenue for schools.
- 16) The below table provides a break down in the types of respondents who stated there would be challenges implementing the duty in secondary schools.

<b>Question 7: Respondents who stated there would be challenges in secondary schools</b>				
Total	Secondary school teachers	School board members	Students	All other respondents
113/265 (43%)	2/14 (14%)	3/6 (50%)	9/15 (60%)	99/230 (43%)

- 17) Comments around enforcement and monitoring suggested many respondents were concerned the regulation would include drinks that students bring to school and therefore would require teachers to enforce a ban. The provision intends to cover only school provision, however individual boards can apply further school policies around healthy food and drink.

**Replacing NAG5b with regulations (Question 8)**

*Do you agree that we should replace the current guidance to promote healthy food and nutrition with Regulations that require school boards to continue doing this? Please explain the reasons for your agreement or disagreement.*

- 18) 89% (287) answered this question. Of the 287 (67%) agreed that the current guidance (or NAG5b) be replaced with regulations.

### Thoughts on circumstances (Question 9)

*Question 9: What do you think about these circumstances? Are any of them unnecessary?*

*Can you think of any other circumstances where it would be reasonable to not have the duty? If so, why?*

- 19) Only 60% (192) answered this question. Of the 192, 59% (114) agreed with the circumstances presented in the discussion document (for when the duty should not apply). These circumstances were:
- a) At any school event to mark any religious or cultural occasion (for example, communion, pōwhiri);
  - b) For any drinks consumed as part of the curriculum (for example, using fruit grown at school to make a drink in a cooking class);
  - c) For any drinks provided as part of any medically prescribed dietary requirements; and
  - d) In any school in an area where a boil water notice is currently in effect.
- 20) Regardless of whether they agreed or disagreed, 45 submissions suggested other circumstances. These included infrequent celebrations or events, such as galas, fetes, and discos. There was limited support for schools to take a principles-driven approach to deciding when the circumstances should not apply on a case-by-case basis (6.6%).

### Approach to compliance (Question 10)

*Question 10: Do you feel that the high-trust light-touch compliance approach is appropriate? If not, why not?*

- 21) 72% (232) answered this question. Of the 232, 54% (126) agreed with the 'high-trust-low-touch' approach to compliance. Of those who agreed, 16 thought some additional monitoring or compliance was necessary; and 11 thought additional guidance or resources would be needed to support the approach.