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Second Reading Briefing

Children's Wellbeing and Schools Bill



Prepared by Finlay Allmond
Legislative Lead

finlay.allmond@magicbreakfast.com

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Children's Wellbeing and Schools Bill

Magic Breakfast makes a difference for over 300,000 children and young people every day by offering breakfasts and expert advice to tackle morning hunger in schools across England and Scotland. We exist to make sure no child or young person is too hungry to learn.

Magic Breakfast have brought together over two decades' worth of experience to offer our views on the Children's Wellbeing and Schools Bill. We are seeking to engage with both Houses throughout the journey of the bill to offer support and advice on the contents and implementation of the provisions throughout the bill.

If you have any questions on this briefing or would like to engage further with Magic Breakfast through the legislative process, please contact Finlay Allmond on finlay.allmond@magicbreakfast.com or 07771517536.

General Comments on the Bill

Ahead of committee stage, Magic Breakfast will prepare detailed evidence on the bill. Whilst this will focus on the provisions relating to school breakfast, we will work with partners to provide a collaborative view on the bill as a whole.

This briefing focuses on the breakfast provisions within the bill as it is currently drafted. At a later stage, we will request that Parliament consider making changes to the bill to strengthen these provisions.

At this stage, in keeping with parliamentary procedure, we have provided thoughts on the principles laid down in the bill.

Magic Breakfast consider the bill to be a strong marker of intent for the Government. We have long campaigned for school breakfast provision and outline clearly in our briefing, [Breakfast: The Simple Choice](#), the evidential benefits of breakfast in schools.

Following on from the already announced Early Adopters Scheme, the policy of breakfast clubs being 'available, free of charge, for all qualifying primary pupils at the school'¹ is welcome.

As outlined below, the bill reaches the groups that Magic Breakfast is currently campaigning to reach.

However, the bill doesn't include any provisions on ensuring the adequate enactment of the provisions is properly monitored.

Nor does the bill provide any statutory requirement for schools to be able to access expert support and advice in delivering their provision.

The bill currently does little to support the ability for schools to use different proven models of delivery for school breakfasts.

The bill currently meets the nutritional criteria Magic Breakfast holds our own food delivery to.

Supported Groups

As currently drafted, the bill supports 'all qualifying primary pupils'². The bill defines 'qualifying primary pupil' in the way Magic Breakfast would seek. This is to include those in the reception year who are not of compulsory school age.

Magic Breakfast also agrees with the definition of 'relevant school'³ given in the bill. This includes all educational settings – not just mainstream schools.

However, it is noted that the bill is limited to primary aged pupils, those typically between the ages of 5 and 11. The bill does not cover pupils of secondary age.

Whilst the primary/secondary boundary is quite tangible in mainstream schools, it is less defined in some SEN settings. Magic Breakfast will comment more on how this could create potential barriers to access for SEN schools at Committee Stage.

Measuring

The bill contains no provisions for measuring or monitoring the success of school breakfast provision. This is concerning as effective delivery is vital to ensure the policy tackles the issues of hunger that provision must be focused on.

For many schools, the duties outlined in Part 2 of the bill will be new functions. Without robust measuring and monitoring there is a risk that the delivery of breakfast provision will not be an effective use of public funds.

¹ Page 41, Section 21, Amendment to the Education Act 1996, section 551B, subsection 1.

² Page 41, Section 21, Amendment to the Education Act 1996, section 551B, subsection 1.

³ Page 42, Section 21, Amendment to the Education Act 1996, section 551B, subsection 2, from line 4

In their report on mission driven government, Nesta and the Institute for Government note that 'data is critical to de-risk decisions by government.'⁴ Without robust – and legislatively mandated – data it will be difficult to effectively augment the policy in future. It will also be difficult to know if the policy needs augmented.

This bill would not be the first to include legislatively mandated data collection. A number of Acts of parliament already contain provisions on measuring and monitoring. The Environment Act 2021⁵ and the Climate Change Act 2008⁶ both mandate the Secretary of State to collect data relevant to the Act; there are also clauses to mandate the publication of such data.

At the same time there are clauses throughout legislation mandating annual reporting on the implementation of legislation. Such clauses could be effective and efficient in school breakfast provision. The Companies Act 2006⁷, the Modern Slavery Act 2015⁸, and – most relevantly – the Academies Act 2010⁹ all contain provisions on annual reporting. The first two acts' duties fall on individual companies whilst the latter act mandates duties for the Secretary of State. This shows the diversity of available options for ensuring monitoring is included.

At committee stage, Magic Breakfast will comment further on how measuring could be undertaken in relation to school breakfast provision.

Support, Advice, and Government Guidance

When evaluating the National School Breakfast Programme, it was the support and advice offered to schools that was deemed the 'lynchpin' of its success by the Education Endowment Foundation¹⁰. Therefore, it is disappointing that the bill does not contain any provisions for ensuring schools have access to direct support and advice.

The bill does require the Secretary of State to issue non-statutory guidance on the discharge of the duties relating to school breakfast provision¹¹. Magic Breakfast will comment further at committee stage on whether this guidance should be statutory.

Magic Breakfast welcomes the provision of guidance for schools. It is vital that schools are not compelled to exercise a new duty without the benefit of expertise which already exists.

Written guidance is not enough to sit in place of direct support and advice. The explanatory notes for the bill do note that support will be offered to 'some schools' which will 'face barriers.'¹² The notes do

⁴ Gurumurthy et al, 2024, available at <https://www.nesta.org.uk/report/what-does-a-mission-driven-approach-to-government-mean-and-how-can-it-be-delivered/>

⁵ Section 16, subsection 1

⁶ Section 16, subsections 1, 2, and 3

⁷ Chapter 4

⁸ Section 54, subsection 1

⁹ Section 11, subsection 1

¹⁰ Bogiatziz-Gibbons et al, 2021, available at <https://www.magicbreakfast.com/research/the-national-school-breakfast-programme-scale-up-evaluation-report/>

¹¹ Page 43, Section 21, Amendment to the Education Act 1996, section 551D, subsection 1

¹² Page 19, paragraph 28

not explain how such schools will be identified; and Magic Breakfast believes all schools should be offered this support.

Furthermore, the explanatory notes reference that the Government will 'ensure support is in place for those schools taking part in the early adopters programme.'¹³ Magic Breakfast welcomes this commitment – it will be vital to ensuring the success of the programme.

Models of provision

The current bill requires all primary aged pupils to have access to 'breakfast club provision' as defined in the bill.¹⁴ Therefore, all school must deliver this specific form of breakfast provision. Magic Breakfast is not opposed to the mandate of breakfast club provision.

However, Magic Breakfast knows from experience that it is a mixed model approach that allows schools to implement a successful breakfast provision. This place-based approach acknowledges that all schools understand what can work best in their environment and should be supported to realise this.

The explanatory notes for the bill do state that schools will be able to go further than the bill requires in terms of models of delivery.¹⁵ Magic Breakfast believes that the face of the bill should go further to ensure there is an expectation for schools to consider additional models based on their own circumstances.

At committee stage, Magic Breakfast will go further in explaining the impact on schools that mixed model approaches can have.

Nutrition

As currently drafted, the bill gives the 'appropriate authority' as designated by the bill¹⁶ leeway to decide what foodstuffs to offer in the breakfast club¹⁷. Such foodstuffs must adhere to the applicable 'food standards duty' as defined later in the bill¹⁸.

Magic Breakfast agrees with this legislative requirement for school breakfast to adhere to school food standards as they are currently iterated. We also note positively the changes to the Education Act 1996 as regards to school food standards in Academy schools¹⁹.

Alongside partners, we would note that for school food standards to remain a successful yardstick it is important that they are adhered to, monitored, and reviewed.

¹³ Page 19, paragraph 28

¹⁴ Page 41, Section 21, Amendment to the Education Act 1996, section 551B, subsection 2

¹⁵ Page 19, paragraph 26

¹⁶ Page 41, Section 21, Amendment to the Education Act 1996, section 551B, subsection 6

¹⁷ Page 41, Section 21, Amendment to the Education Act 1996, section 551B, subsection 5

¹⁸ Page 41, Section 21, Amendment to the Education Act 1996, section 551B, subsection 7

¹⁹ Page 43, Section 22

Exclusion Criteria

The bill creates a new power for the Secretary of State to exempt schools from the requirement to deliver a breakfast club²⁰. The bill offers some guidance on who must be consulted before such a decision is taken²¹ alongside the justification for exemption²².

The bill requires the Secretary of State to publish the list of schools which they have exempted from the duty²³. Magic Breakfast welcomes this level of transparency.

At this stage Magic Breakfast won't comment further on the exclusion criteria within the bill. At committee stage we encourage the committee to look in detail at the probable and possible effects of the exemption clause in the bill. At committee stage Magic Breakfast will offer further evidence on the potential impacts the measures could create.

Commencement

The bill allows the Secretary of State to decide when different clauses of the bill come into force²⁴ ²⁵. Magic Breakfast supports this provision as it relates to school breakfast clubs. Having such a provision shall allow the Government to finish its delivery of the Early Adopters Scheme. The scheme will be vital to ensuring a successful rollout of provision across England.

²⁰ Page 42, Section 21, Amendment to the Education Act 1996, section 551C

²¹ Page 42, Section 21, Amendment to the Education Act 1996, section 551C, subsection 2

²² Page 43, Section 21, Amendment to the Education Act 1996, section 551C, subsection 4

²³ Page 43, Section 21, Amendment to the Education Act 1996, section 551C, subsection 7, point B

²⁴ Page 115, Section 59, subsection 3

²⁵ Page 115, Section 59, subsection 4