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Dear Headteacher

Management of Pupils with Allergies/Special Diets

Following the introduction of the UK Food Information Amendment, also known as Natasha's Law, that came into effect on the 1 October 2021, we felt it may be useful to write to you all to appraise you of your responsibilities to your pupils with regards the management of any allergies that they have.

School/Academies/Pupil Referral Units Legal Duties

Section 100 of the Children and Families Act 2014 places a duty on governing bodies of maintained schools, proprietors of academies and support centres to make arrangements for supporting pupils at their school with medical conditions. This Section also imposes an obligation to follow statutory guidance. The DfE has issued such statutory guidance – Supporting Pupils at School with Medical Conditions¹. There is a range of additional resources available to support this guidance².

In addition, children with medical conditions or requiring a special diet for religious/cultural reasons may be considered as having “protected characteristics” for the purposes of the Equality Act 2010 and further duties will be imposed upon governing bodies and proprietors of academies/support centres to make reasonable adjustments to reflect medical, dietary and cultural needs.

Many schools will have entered contracts with caterers for the provision of school meals, and those caterers may offer to collate information from parents on the allergies/special dietary requirements. It should be noted that such arrangements do not in any way absolve the governing bodies/proprietors of the above duties.

It is, therefore, essential that you have up to date policies and procedures with regards to requests from parents for a special diet for their child, so that they are handled efficiently and appropriately.

¹ <https://www.gov.uk/government/publications/supporting-pupils-at-school-with-medical-conditions--3>

² <https://www.gov.uk/government/publications/supporting-pupils-at-school-with-medical-conditions3/supporting-pupils-with-medical-conditions-links-to-other-useful-resources--2#departmental-guidance-and-advice>

Parental Responsibilities

It is the responsibility of parents to provide accurate information relating to any allergies/special diets (backed up by medical evidence where applicable) that their child may have/require. Children who do have medical needs will usually be under the care of a clinician and should be able to provide information confirming this, such as a letter from the hospital to the family. Parents need to be made aware that they are responsible for providing the correct information on allergies which will need to be backed up with medical evidence, whether a simple letter from the pupil's GP, letter from a consultant confirming the condition, etc.

School Responsibilities

It is the school's responsibility to make parents aware that they are required to provide the information and evidence regarding their child's needs.

The school should then pass this information onto the caterer so that a meal can be provided taking into account the medical and other needs of the child. In addition, the school should ensure that the information remains accurate and up to date, through regular reminders to parents.

It remains the school's responsibility (not the caterer's) to ensure that information is provided and to deal with any emergency situations (e.g. a child arrives at school with no completed forms with regards allergies/special diets).

Schools/academies/support centres must ensure that all pupils have been placed on the applicable database and those details are provided to the caterers (whether the child has any form of allergy or not). If a pupil arrives for a meal and they are not on the database and require a special diet, the caterer will look to the school to make an urgent decision and contact the parents – that responsibility sits with the school and not the caterers with regard to a final decision over what that pupil is fed (depending on whether the school can contact the parent or not).

Parents Liaising with Caterers

Parents should contact the school first if they have any issues who will address any concerns to the school's appropriate contact for the caterer. It is not acceptable to allow parents to speak directly with the caterers/cooks based at the school, and in any case does not absolve the school of its responsibilities in the case of any untoward incident.

Complaints

All complaints should be dealt with by the school with regards to catering related to allergies/special diets.

Responsibilities of Caterers

Caterers will place reliance on the information provided by the parent/school and ensure that the meals provided meet those requirements. It is, therefore, essential that information provided by schools and parents is accurate and it is not the responsibility of the caterer to chase this.

The caterers will be required to have allergy/special diet procedures in place to ensure the correct food is provided for those pupils with allergies including the handling and serving of said food. Schools must check that this is in place, but this does not absolve the parents or the school from the responsibility to ensure that the data provided to the caterers is correct.

While caterers may provide online facilities to enable the collation of information on pupils with allergies directly from the parents, which schools can sign post parents to, it is important for the schools to understand that this is purely a simple way to collect the data from parents; the caterers do not, thereby, accept responsibility for failures by the school to:

- i) inform them of known pupil allergies; and
- ii) ensure that parents complete the required paperwork (whether online, in paper form or with an interpreter).

Those responsibilities remain with the school.

We hope this provides clarity on management of pupils with special diets and allergies

Many thanks for your ongoing support.

Yours sincerely

Iain Peel

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