

## **Food allergen legislation – Q and A**

### **Do we need to ask parents for different information about children's allergies?**

No - the EYFS 2014 already contains information about what we must do –

*3.47. Where children are provided with meals, snacks and drinks, they must be healthy, balanced and nutritious. Before a child is admitted to the setting the provider must also obtain information about any special dietary requirements, preferences and food allergies that the child has, and any special health requirements. Fresh drinking water must be available and accessible at all times. Providers must record and act on information from parents and carers about a child's dietary needs.*

### **Is it different for older children on the Childcare Register?**

No, this is UK legislation for all food providers – if you cook or provide food for children you must comply with the new laws regardless of the ages of the children.

### **I don't sell food – it's included in my fees – do I have to comply?**

Yes, it's still food provided for children in your care by you, regardless of who pays. The requirements are to know what is in food and to be able to provide a list of ingredients for parents.

It is a really good thing because it will safeguard children who might be allergic to different ingredients! For example, if you buy a new oil for cooking and it contains peanuts or if you change your brand of breadsticks and they are covered in sesame seeds you will know the contents because you will have checked the label - and if the child takes ill either immediately after eating or later at home you will be able to tell parents exactly what they have eaten.

### **What do we need to tell parents?**

We need to explain to parents that, from 13th December 2014 food laws are changing. From 13th December, all the food we buy will have the main 14 allergens listed in bold on the label ... or listed on a leaflet in the café or shop ... and we will need to know what is in all the food their child eats so we can give them a list of contents on request.

We can do this in our newsletters, on Facebook private pages or on the parents page of our websites.

### **Do we have to do this if we just provide snacks?**

Yes – if you provide any food for children then you need to know what it contains. For example, you might give children tahini with breadsticks for snack (contain sesame seeds); or you prepare a special Chinese New Year treat of noodles (contain gluten) cooked in groundnut oil (contains nuts) and flavoured with a little low salt soy sauce (contains soya).

### **What about food that parents bring in?**

If a child's parent, for example, brings cake in for all the children to eat it might contain one or more of the 14 allergens eg gluten, milk or nuts. You would need to check the label first or if it is home-made you would need a list of ingredients from the parent.

Good practice advice for home-made food is to give it to the children to take home with a note stating you have been told the ingredients verbally but you do not have written confirmation of them – then it is the parents decision whether to give the food to their child or not.

### **Do we have to list everything that is in food we supply to children?**

No – we need to know what food contains so we can inform parents what their child is eating. Some childminders might choose to make a recipe / ingredients book for their parents ... some might keep copies of food labels ... some might just write down if they use any of the 14 common allergens on their menus ... some might write 'today's menu' on a blackboard and note if there are any of the 14 allergens in the food. It will be up to you how you share the information with parents.

### **Is this another thing from Ofsted / DfE to drive childminders out?**

No – it is a new law for all food providers in the UK, not just childminders. It will be legislated by your local Food Standards Authority – your Local Environmental Health Department. Ofsted inspectors *might* ask about it but it's not Ofsted / DfE legislation.

### **What about food on outings?**

All food providers will have to provide you with a list of what is in the food they have made, including which of the 14 allergens might be in the food. If you are in a café or buying loose food when on an outing, you will be able to take a photo of the contents on your phone or quickly write them down in case parents ask what their child has eaten later. The requirement is to be able to inform parents what is in the food you provide for their children. You don't necessarily need to write it down as long as you can provide it in writing if asked ... it's up to you how you present the information.

Here is a scenario a member asked me about - she takes children to a cafe and they all have sandwiches and cake. A parent rings later that night and says child is in hospital and doctor wants to know what she ate today ... the cm has taken photos of the menu / ingredients on her phone that she can send to parents so she is complying with the new law.

### **Will I still be able to cook spontaneously with children?**

Yes - you will still be able to do the cooking activity spontaneously. There is NO requirement to tell parents every morning what their child will be eating and drinking all day. You just need to be able to inform parents that you have cooked... perhaps you will give them the ingredients list to support learning at home ... or tell them 'we have made xx and it contains yy and zz' ... or 'we have made xx if you want information about ingredients please let me know'.

### **What if I don't write menus?**

You do not need to write menus to comply with this legislation. You need to be able to inform parents what is in their child's food – what their child has eaten through the day ... and you need to be able to recognise the 14 main allergens in the food.

If you do not give parents menus consider how you meet the following requirement of the EYFS...

*3.73. Providers must make the following information available to parents and/or carers: Food and drinks provided for children.*

### **What about ingredients lists that say 'may contain'?**

My son's consultant explained about 'may contain' ... in for example the chocolate factory they send chocolate down the Marathon line, then any leftover chocolate is scooped up and sent down the Mars bar line ... it may contain nuts!

There's also the problem that some children have such severe allergies that they might react to tiny pieces airborne nuts so if there are nuts in any ingredients anywhere in the factory they will put a blanket 'may contain' notice to cover themselves so they cannot be sued.

### **I can't possibly remember everything that is in every food a child eats!**

You don't need to remember everything - if you are out you can simply photograph the label or menu or contents list for your records ... if you buy food from a shop you will have the packet ... if you are making food from scratch you will know what we put in it ... if you employ a chef to batch cook your chef will need to let you know what ingredients have been used.

### **Where can I get more help?**

There is a free course - which contributes to your CPD and gives you a certificate to show parents here - <http://allergytraining.food.gov.uk/english/default.aspx>.

My guidance is here -

<https://www.facebook.com/groups/independentchildminders/812507262104016/> - and on the Childminding forum here -

<http://www.childmindinghelp.co.uk/forum/general-childminding-chat/132834-new-food-allergies-guidance.html>.

Rick has put the food allergen booklet into files on the group here -

<https://www.facebook.com/groups/independentchildminders/810095952345147/>.

We are happy to answer your questions on the Childminding Forum and Independent Childminders Facebook group.