



Submission to the

**Inquiry into food regulation in
Victoria**

By Kindergarten Parents Victoria

July 2007

Introduction

Kindergarten Parents Victoria (KPV) is the leading peak organisation promoting quality early childhood education in Victoria. KPV is also a membership organisation that provides a comprehensive range of management and governance support to early childhood services. Our membership of over 1000 organisations consists of Victorian kindergarten committees, cluster managers and various other organisations associated with early childhood education.

KPV has developed this submission in consultation with members who have experienced difficulties in relation to local interpretation of the food regulations.

Background

What are kindergartens?

Kindergartens provide educational programs for children aged 3 - 5 years. Traditionally kindergartens offer a sessional education program (2 – 4 hours per day for 2 -5 days per week). In recent years there has been a gradual increase in more flexible service delivery models, such as longer hours per day and additional children's programs. They are staffed by degree qualified early childhood teachers and teaching assistants.

How are kindergartens operated and managed?

The variety of management models for kindergartens in Victoria include local government, religious and other charitable organisations, schools and large community managed not-for-profit organisations. However the majority of kindergartens are 'stand-alone' and are managed by volunteer committees of management consisting of parents of the children attending the centre.

These committees change annually and the skills, abilities and enthusiasm of the volunteers varies greatly. They are responsible for ensuring kindergartens comply with a wide range of legislation, primarily the *Children's Services Act 1996* and Regulations, and service and program standards, such as funding agreement requirements. Kindergarten committees change on an annual basis, with limited continuity of members from one year to the next making continuity of governance and management dependent on good record keeping and handover from one committee to the next.

Issues under current food regulations

Confusion

The current Food Act and Guide are very complex and do not provide clear advice in relation to whether kindergartens are considered a 'food business'. Even if that can be determined, sifting through all the requirements to determine what is applicable to kindergartens is an onerous and unnecessary task for volunteer parents.

Misunderstanding

Committees often rely on information which is passed onto them from a variety of sources and this can be unreliable as it can be based on rumours, hearsay and historic practice.

Inconsistent application and enforcement

One local government authority has recently advised kindergartens providing milk and fruit to children that they must comply with the Food Act (see case studies). This reliance on individual councils and council officers to implement the regulations in the absence of central policy and procedural guidelines results in inconsistent interpretation of the standards causing stress and confusion for kindergartens committees and staff.

Impact on kindergarten programs

Snacks

Historically kindergartens provided a mid morning/afternoon snack for the children. This was usually a shared fruit platter and choice of milk or water. In some centres the fruit was purchased by the centre and in other centres children would bring a piece of fruit to be cut up and shared.

With the introduction of the Food Safety Act there was a great deal of confusion and misinformation about how to manage a shared fruit platter. For example, the need to use tongs, individual bowls, or for children to bring their own individual snack. Shared fruit platters encourage children to try food they may not have experienced before and increase their knowledge of different fruit as well as providing valuable opportunities for children to develop the social skills of sharing, etc.

Kindergartens have had to manage a range of problems arising from children taking their own snack. These include children taking food which is considered unhealthy, conflict between parents and staff regarding suitable food, snacks being sent with children which required refrigeration such as yoghurt etc. An increase in anaphylaxis has also added to these complexities.

Cooking program

Many teachers include cooking activities with the children as part of the regular education program. These activities provide many valuable benefits to the children such as mathematics, social skills (sharing, taking turns etc), communication and literacy, food awareness and good hygiene. Teachers are very aware of the need for good hygiene particularly when participating in cooking activities and thus these activities provide a good opportunity to actually educate children in this area. This is a better outcome than enforcing regulations which potentially have the effect of removing these opportunities.

Protection for children is already covered by regulations

The *Children's Services Act 1996* and the *Children's Services Regulations 1998*, include requirements for general and personal hygiene and food and child safety:

Regulation 35.(2) Personal Hygiene needs of children

The proprietor must ensure that children being cared for or educated by the children's service do not make common use of items intended for a child's personal care

Regulation 50.(3) The proprietor must ensure that if food is provided to children at a children's service, whether or not that food is supplied by the service -

b) cleanliness is observed where the food is stored, handled and prepared on the premises

c) all food on the premises intended for consumption is protected at all times from contamination

d) there are suitable eating arrangements for children at the service.

Section 27 of the Act: Protection of children from hazards

The proprietor of a children's service must ensure that every reasonable precaution is taken to protect children being cared for or educated by the service from any hazard likely to cause injury

Section 29 of the Act: Premises to be kept clean and in good repair

A proprietor of a children's service must take reasonable steps to ensure that the buildings, the grounds and all equipment and furnishings used in operating the service are maintained in a safe, clean and hygienic condition and in good repair.

Centres are required to develop and implement policies in place regarding hygiene, nutrition and food safety to ensure that they meet the requirements of the Children's Services Act and Regulations. KPV's model 'Nutrition and Food Safety Policy' which has been adopted by many kindergartens is at Attachment 1.

Cost

Very few kindergartens would have kitchens that would meet the standards required by the Food Safety Act. The majority of kindergarten buildings are owned by local governments, which have various arrangements and agreements with kindergarten operators (primarily independent committees of management) for maintenance and capital works.

The cost of renovations to comply with food safety requirements would variously fall on committees or councils, making it problematic to undertake the works, that may also be considered unnecessary.

The limited nature of food provision in kindergartens and the nature of the program makes it untenable to require a staff member to be the Food Safety Officer. Teachers would be unable to fulfil that role as they are not able to leave the children unattended to go into the kitchen and centres could not afford to employ staff for this purpose.

Case studies

1. Kingsville South Kindergarten

Following inspection by a Council officer this kindergarten has been instructed not to supply milk to the children unless they register the kitchen, make the appropriate modifications to the kitchen and comply with Food Safety Regulations, for example, food handling certificate.

A cooking program which is a valuable and enjoyable experience for children at the centre was also at risk of not being able to continue. However an agreement between the council and the kindergarten allows this to continue on the proviso that the required ingredients are provided by the children not the centre.

This agreement means the kindergarten has less control over the quality and safety of the ingredients used in the cooking program than they would have if the centre had purchased and stored the ingredients.

2. Hobson's Bay Kindergarten

This kindergarten has continually offered fruit and milk to children in the program. Fresh fruit is supplied on a weekly basis by the local greengrocer and is of high quality. Many of the children attending the centre come from lower socio-economic backgrounds and the kindergarten has continued this practice in order to meet the needs of these families and as a service to the community.

The decision to supply the fruit rather than rely on children to bring it in was made because it ensured a high quality and greater range of fruit available (rather than the squashed banana or bruised apple etc that would often be brought in by children). A fee of \$5.00 per term is paid for families for this service. They have now been instructed to cease this practice as they are breaking food safety regulations - the kitchen doesn't meet requirements, no-one has food safety handling certificate etc.

The committee and staff are very concerned that removing this service to families attending the centre is detrimental to a disadvantaged community.

Summary of key issues for the kindergartens

1. Impact on education programs: provision of fruit and milk for snacks, cooking activities

2. Lack of clarity and understanding, complicated regulations, difficult to determine where kindergartens fit in.
3. Overlap of regulations
4. Inconsistent implementation by local government authorities
5. Potential cost involved if kindergartens are required to meet Category One requirements - . modifications to kitchens, training for staff or employing suitably qualified staff

Recommendations

Training/Education

KPV recommends the implementation of regular statewide education, training and resources to promote community awareness of basic food safety, free for volunteers and the not-for-profit sector. Resources should include a brief summary of the requirements for specific sectors, for example, fact sheets.

KPV supports the idea of a core pamphlet with smaller editions which are targeted to specific service types, production of CDs on food safety etc. It is also important that consideration be given to reducing the barriers to people participating in food safety such as provision of information about new technology for example, “debug”, and low cost resources to assist with compliance.

Clearer regulations; remove overlap of regulation

KPV recommends that kindergartens that provide milk and fruit and include cooking in the children’s education be

- Exempt/excluded from the Food Act ; or
- Covered by a new category developed for organisations such as kindergartens which are already governed by comprehensive safety guidelines and have specific food and hygiene policies in place. This category may include requirements such as the development and implementation of policies approved by an external body and an occasional inspection to ensure that the policies are implemented; or
- If covered by the Act, able to apply for exemptions for particular activities such as cooking activities (excluding high risk meat/fish etc) and provision of snacks (fresh fruit and vegetables, low risk foods such as toast, cereal). The application may require evidence such as a Food Safety Policy etc. It would also be helpful if compliance requirements could be minimised in some circumstances such as provision of milk as part of snack or breakfast program. For example, requirement to have a refrigeration thermometer and maintain a record of the temperature at specified intervals

The current review of the Children’s Services Regulations provides an opportunity to reduce the regulatory burden on the community sector by ensuring that the one set of regulations covers all the food hygiene and safety requirements for children in services, such as kindergartens, where the provision of food is not a core activity

Single point of contact

It would be helpful if community organisations such as kindergarten committees of management, churches, sporting clubs were able to approach an independent advisor for consistent advice and information regarding food safety regulations. This would need to be separate from the enforcement body to give organisations confidence to ask questions and that the advice is accurate and unbiased.

ATTACHMENT 1

KPV NUTRITION AND FOOD SAFETY MODEL POLICY

1. Policy statement

Values

This centre is committed to:

- Educating children and their parents/guardians about healthy food and healthy eating habits.
- Providing a pleasant and attractive place for meals and snack times that are culturally appropriate occasions and provide an environment for social learning and positive interaction.
- Ensuring the nutritional needs and/or dietary requirements of children are appropriately catered for, whilst they are attending the centre (refer to Appendix 1).
- Providing a flexible approach to serving and consuming food for children attending the centre.
- Complying with all legislative requirements.
- The safety and well being of all children enrolled at or visiting the centre.
- Taking all reasonable precautions to reduce potential hazards to children on the premises.
- The education of staff, parents/guardians, other users of the centre, and the community, in the prevention of scalds and burns from hot drinks.

Purpose

This policy will provide guidelines for the provision of safe, varied and inviting food that is of nutritional benefit to the children, and caters for the individual needs of the children attending the centre.

2. Scope

This policy applies to parents/guardians, the committee/board, staff and volunteers involved in the preparation and provision of food that will be consumed by children at the centre

3. Background and legislation

- *Children's Services Act 1996*
- *Children's Services Regulations 1998*
- *Food Act 1990*
- *Health Act 1958.*

4. Definitions

Nutrition: Nourishment, food

Food safety: Ensuring food provided by the centre is fit for human consumption

Cleaning: The removal of visible residue such as food waste, dirt and grease, using hot water and detergent

Sanitise: A solution such as 12ml of domestic bleach (4% chlorine) to nine litres of clean water at 50 degrees Celsius. Note: Detergents and sanitisers must always be used in accordance with the manufacturer's instructions.

5. Procedures

Food and drink to be provided by the centre

- Water will be available for the children to consume at all times during indoor and outdoor activities.
- On an occasional basis, the centre will provide food that has been produced through food related activities involving the children.

The committee/board is responsible for:

- Providing up-to-date information to parents/guardians on the safe provision of food for their children.
- Ensuring staff are informed of current information relating to nutrition and food safety.
- Monitoring staff compliance with food safety practices.
- The implementation of a cleaning schedule for the kitchen area. (Refer to *Background information* for ideas on a cleaning schedule).
- Ensuring hot drinks provided at the centre comply with the guidelines outlined in Appendix 2.
- The provision of a calibrated thermometer, suitable for food preparation areas, to monitor temperature of fridge/freezer. (Glass thermometers with mercury in or near food preparation areas are not recommended).
- Checking if the thermometer is working at the start of each term.
- Ensuring food provided for sale at a fete, food stall, or any other event complies with the requirements of the food safety program. (Refer to *Background information*).
- Reviewing annually, in consultation with the staff, parents/guardians, the procedures for celebrations. The guidelines need to reflect the needs of families and children in relation to nutrition, cultural diversity, religion, and age appropriateness.

The staff are responsible for:

- Before handling food, washing hands according to the guidelines as provided in background information. If interrupted, to wash hands again before continuing.
- Ensuring that hand basins are only used for washing hands, faces, or cleaning teeth.
- Providing posters above washbasins with information on correct handwashing procedures.
- If a hand dryer is installed, check it is working and if not reporting this to the committee/board and providing paper towels until it is fixed.
- Ensuring the provision of soap and handtowels (if used) on a daily basis.
- Ensuring the provision of paper towels in the kitchen area.
- Keeping the kitchen clean and tidy at all times and complying with the cleaning schedule displayed in the kitchen. (Refer to *Background information* for ideas on cleaning schedules).
- Disposing of any eating or drinking utensils that are chipped, broken or cracked and informing the committee/board of any items which need replacement.
- Restricting the food preparation areas for that purpose only.
- Cleaning all food contact surfaces, appliances and equipment after use.
- Including discussions on nutrition and food safety in the children's program to increase awareness and understanding of the reasons for good practice.
- Role modelling acceptable social behaviour at snack and meal times.
- Ensuring children have access to water whenever it is needed/requested.

- Removing hazardous food and offering child/ren an alternative snack. Refer to the Kidsafe information sheet for information on potential choking hazards.
<http://www.kidsafewa.com.au/factsheets/NEW%20Choking%20and%20Suffocation%202005.pdf>
- Informing the committee/board six months prior to the expiration of first aid qualifications.
- Covering all wounds or cuts on hands or arms with brightly coloured wound strips or bandage. If the wound is on the hand, disposable gloves are to be worn over the top of the wound strip if involved in food handling.
- To notify the committee/board of inability to work if affected with vomiting or diarrhoea within the last 48 hours.
- Ensuring persons suffering from diseases which are likely to be transmitted through food that they are not involved in food handling. Refer to background information for exclusion table.
- Providing guidelines to parents/guardians, regarding appropriate food for their child to bring to the centre. These will be developed in consultation with the committee/board. (Refer to Appendix 1).
- Complying with the hot drinks guidelines (Appendix 2).

Children and eating

- Encouraging and directing children to wash their hands before they eat or drink.
- Teaching children to turn away and cover their mouth when they cough or sneeze and then to wash their hands.
- Ensuring tables are wiped with appropriate cleaning materials prior to children using them for food consumption.
- Making sure children are sitting when they eat and drink.
- Washing and sanitising all dropped utensils prior to re-using.
- Discouraging children from sharing utensils and sharing food they have begun to eat.
- Promptly cleaning up any food or drink that is dropped indoors or outdoors.

Preparing food

- Using separate utensils, chopping boards and other equipment for raw and for ready-to-eat foods to avoid cross-contamination. If this is not possible, thoroughly wash and sanitise equipment between uses.
- Removing food items in damaged packaging such as dented cans, leaking packages, or cracked eggs.

Handling food

- Using utensils such as tongs, spoons, and spatulas for cooked or ready-to-eat foods. Raw food which will be cooked can be safely handled with bare clean hands.
- Washing hands before putting on gloves and putting on new gloves when changing from raw food to ready-to-eat food.
- Where required maintaining hot food at over 60° and cold food at below 5°.
- Checking the operating temperature of refrigerators and freezers. Reporting malfunctioning equipment to the committee/board.
- Ensuring any items placed in the fridge/freezer are covered with a lid, foil or plastic film.
- Using paper towels to clean up spills.

Involving children in cooking

- Complying with the *Dietary Guidelines for Children and Adolescents* April 2003 (Appendix 1).
- Ensuring adequate supervision is available for the planned experience.
- Ensuring long hair is tied up.
- Choosing age-appropriate cooking experiences with regard to size and texture of food.
- Providing children with clean protective aprons or smocks.
- Respecting cultural and/or personal food differences.
- Ensuring children wash their hands before participating in the cooking experience.
- Only preparing foods that will be cooked before eating, for example biscuits, pizza, soup.
- Immediately cleaning up any food dropped on the floor.
- Catering for children who have special dietary requirements (including allergies) for health, medical or cultural reasons.

Food brought from home for special occasions

- Ensuring food provided for celebrations is kept in a container or covered with foil or plastic wrap.
- Keeping food in the refrigerator until it is to be served.
- Providing details to families on safe food handling practices when providing food for special occasions.

The parents/guardians are responsible for:

- Providing details of specific nutritional requirements (including allergies) on their child's enrolment form and to discuss these with the qualified staff member prior to the child commencing at the centre and whenever these requirements change.
- Providing nutritional food and drinks for snacks, lunch as required, and celebrations consistent with the centre's policy.
- Washing hands if participating in food preparation
- Complying with the hot drinks guidelines (Appendix 2).

6. Related documents

- DHS *Children's Services Guide*, www.dhs.vic.gov.au/earlychildhood

Centre policies

- Anaphylaxis
- Hygiene
- Infectious diseases

7. Authorisation

This policy was adopted by the [insert name of centre] committee/board, at the committee/board meeting on [insert date of meeting].

8. Review date

This policy shall be reviewed annually

The next review date is: [insert date of automatic review].

9. Evaluation

In order to assess whether the policy has achieved the values and purposes the committee/board will:

- Use a quality assessment tool, for example the Preschool Quality Assessment Checklist.
- Assess whether a satisfactory resolution has been achieved for nutritional issues raised.

- If appropriate, conduct a survey in relation to this policy or incorporate relevant questions within the general parents/guardians survey.
- Take into account feedback from staff on the policy.
- Monitor complaints in relation to food and drink provided at the centre.

BACKGROUND INFORMATION

Food poisoning and infectious disease can be a serious health problem for children. If food is not safely stored or properly handled, bacteria can multiply to dangerous levels and cause illness. The use of safe and hygienic food storage and handling practices can prevent food contamination and the transmission of bacteria and infectious disease amongst children and adults. The committee/board, staff, parents/guardians and any other person involved in handling food has an important responsibility to maintain safe and hygienic food practices.

Food poisoning is caused by the growth of bacteria in food. This occurs when high risk foods such as meat, poultry, eggs, seafood, and dairy products are left to sit in the “temperature danger zone” (between 5 ° and 60 ° Celsius). Centres need to ensure that any food in this temperature zone stays there for as little time as possible.

Guidelines for handwashing

- Use liquid soap (preferable) and running water
- Wash hands vigorously and count to ten
- Rinse hands well and count to ten
- Turn off the tap with a piece of paper
- Dry hands well with new paper towel (preferable), a dryer or your own cloth.

Suggested practice is to provide this information at each handwashing area

Ideas for cleaning schedules

A cleaning schedule ensures that cleaning is conducted in a structured and routine manner. *The Health and Safety in Children’s Centres, Model Policies and Practices (2003)*, recommends the use of a neutral detergent and water for general cleaning and a chemical sanitiser for food contact surfaces and utensils. A good cleaning schedule will include such items as:

- The cleaning tasks
- The frequency of cleaning – daily, weekly, monthly, quarterly items to be listed
- The method of cleaning, including chemicals to be used (if not provided by the cleaner)
- The person(s) responsible for each task

An example of items to include in a cleaning schedule:

- Use colour coded cleaning cloths and mops for designated areas. For example, red cloths for kitchen and food preparation areas; orange cloths for nappy change areas. These cloths should be stored separately.
- Clean areas with warm soapy water as soon as practicable after the preparation of food and drinks.
- Wash all utensils, crockery, plastic wear and glasses in warm soapy water and rinse in hot water. Leave dishes to air dry, do not place a tea towel over them.
- Discard any plastic plates, bowls, cups or chopping boards with deep scratches.
- The kitchen floor is swept, mopped and the rubbish bin emptied daily (specify who is responsible).
- All kitchen cupboards and drawers are to be cleaned internally and externally with warm soapy water. (Specify monthly, quarterly and who is responsible).
- Appliances are cleaned with warm soapy water [insert time frame]. It is suggested to itemise appliances such as fridges and microwaves as these need regular cleaning.
- The rubbish bin is washed with warm soapy water and sanitised each week and wiped over daily as required.

- You may have other specific procedures to add here, for example, for compost bin, recycling of plastics, glass and paper.

Working bees

If working bees are organised each term a schedule of kitchen cleaning to be written for participants to tick off. For example:

- Remove items from cupboards and wipe all surfaces with warm soapy water and surface spray.

Using gloves

Gloves are not a substitute for handwashing. If gloves are used, care should be taken to ensure hygienic practice when handling food.

Food brought from outside

Safe storage of food is a key issue for parents/guardians providing food for their children to consume at the centre. The information could be provided to parents/guardians by including an article in the centres newsletter at the start of the year and again prior to summer. In addition brochures can be provided on safe food handling from Food Safety Victoria.

Parents/guardians should be advised to:

- Put a frozen container, such as a frozen drink, in the lunch box with food that is normally refrigerated. Alternatively, they can use an insulated lunch box or a cooler.
- Avoid including food that are normally kept in the refrigerator, especially during the summer months.
- Not to include perishable foods which have just been cooked or warmed, such as hamburgers or boiled eggs. Such food should be cooled in the refrigerator before being packed for lunches.

Food stalls

In May 2001 the *Food Act* 1990 was amended to include the requirement for a Food Safety Program before being issued a permit. A permit needs to be obtained from your Local Council's Health Services Unit.

A Food Safety Program template has been developed by the Department of Human Services to assist centres to comply with this requirement. This can be accessed from:

www.health.vic.gov.au/foodsafety

Resources

Kids 'Go for your life' is an initiative managed by Diabetes Australia (Vic) and the Cancer Council of Victoria and supported by the Victorian Government. For information contact: 1300 73 98 99 or visit www.goforyourlife.vic.gov.au

Food Safety Victoria

GPO Box 1670N

MELBOURNE VIC 3000

Phone: 03 9637 4085

Fax: 03 9637 5320

Toll free: 1300 364 352

Email: foodsafety@dhs.vic.gov.au

Food Standards Australia New Zealand

PO Box 7186

CANBERRA ACT 2610

Ph: 02 6271 2222

Fax: 02 6271 2278

Email: info@foodstandards.gov.au

Website : www.foodstandards.gov.au

The Melbourne Market Authority has produced a range of resources to support parents/guardians and professionals with recipes, preparation tips and seasonal information.

Telephone 03 9258 6100

Email info@melbournemarkets.com.au

Website: www.melbournemarkets.com.au

References:

School of Public Health and Community Medicine, Second edition revised, 2003, *Health and safety in Children's Centres, Model policies and practices.*

<http://www.csns.org.au/userdata/csns/downloads/CCModelPoliciesFinal.pdf>

DIETARY GUIDELINES FOR CHILDREN AND ADOLESCENTS IN AUSTRALIA (2003)

The nutritional needs of children and adolescents are different from those of adults because children are growing and developing. The Dietary Guidelines for Children and Adolescents were developed by the National Health and Medical Research Council (NH&MRC) in 1995 and subsequently reviewed in 2003. These guidelines apply to the general population of healthy children from birth to 18 years.

1. **Encourage and support breastfeeding**
2. **Children and adolescents need sufficient nutritious foods to grow and develop normally**
 - Growth should be checked regularly for young children
 - Physical activity is important for all children and adolescents
3. **Enjoy a wide variety of nutritious foods**
4. **Children and adolescents should be encouraged to:**
 - Eat plenty of vegetables, legumes and fruits
 - Eat plenty of cereals (including breads, rice, pasta and noodles), preferably wholegrain
 - Include lean meat, fish, poultry and/or alternatives
 - Include milks, yoghurts, cheese and/or alternatives
 - Reduced fat milks are not suitable for young children under two years, because of their high energy needs, but reduced fat varieties should be encouraged for older children and adolescents
 - Choose water as a drink
 - Alcohol is not recommended for children.
5. **Care should be taken to:**
 - Limit saturated fat and moderate total fat intake
 - Low-fat diets are not suitable for infants
 - Choose foods low in salt
 - Consume only moderate amounts of sugars and foods containing added sugars.
6. **Care for your child's food: prepare and store it safely.**

Please note these guidelines are not listed in order of importance.

For more information, or to download the document visit:

<http://www.nhmrc.gov.au/publications/synopses/dietsyn.htm>

Email: nhmrc.publications@nhmrc.gov.au

Reference:

http://www.nutritionaustralia.org/Nutrition_for_All_Ages/Children/dietary_guidelines.asp,
accessed May 18, 2006