

IMPORTANT

- The information we provide on our rights4children website is for general guidance. It is not legal advice.
- If you need legal advice, please contact an independent advocate or a solicitor.
- Article 39 tries its best to make sure information is accurate and up-to-date. However, we cannot guarantee this. We'd appreciate you letting us know if you notice any errors or out-of-date information: info@article39.org.uk

Food and special diets

- ✦ Food keeps you alive, helps you grow and gives you energy. But there's a big social side too.
- ✦ Food is often a big part of celebrating birthdays and other special days. When people make us cakes and our favourite meals, we feel loved and important.
- ✦ Eating with other people gives us a chance to talk and have a laugh.
- ✦ Learning how to cook and prepare meals can be great fun.
- ✦ Making choices about what you eat (and don't eat) can be an important part of our identity. There are all sorts of reasons why a person may have a special diet – including religious, medical or ethical.



Your rights – general

All children have the right to be looked after well, wherever you are living.

We have an important law in England, called the Children Act 1989, which says that local councils must help children if they are suffering from neglect.

Every child under the age of 18 has the right to a standard of living that meets your needs. This is part of the United Nations Convention on the Rights of the Child.¹ It means that having the food you need to grow and be healthy is your human right.

There is another important law connected to food and special diets. This is the Equality Act 2010.

The Equality Act 2010 says children and adults must not be treated badly compared to others because of their religion or belief. If you follow a particular diet for religious reasons, this must be respected wherever you live. The same is true if you have beliefs that affect your diet, for example you may be vegetarian or vegan.

If you have a special diet connected to your religion or beliefs, the people looking after you should always make sure there are meals and suitable food for you. They should never try to change your mind or make fun of your choices. You should not be made to feel different in a bad way, because of your special diet.

Your rights – extra

This section gives you information about your extra rights in different places.

Words in “quotation marks” come from laws and legal rules. Laws and legal rules must be followed by the people who look after you.

Children’s home
<p>You have the right to “personalised care” in your children’s home.² This means you should be cared for in a way that is right for you.</p> <p>You also have the right to a choice of nutritious food to help you live comfortably in your children’s home.³</p> <p>Your children’s home must write down your special diet if you have one⁴, so that staff and carers can follow it.</p> <p>Staff and carers should help you understand nutrition and healthy diets.⁵ We’re all for that!</p> <p>The law says you must never be punished in your home by being forced to eat or drink something, or having food and drink taken away from you.⁶</p>
Hospital or other health place
<p>When you are in hospital, for whatever reason, the law says your need for nutritious food and drinks must be met.⁷</p> <p>The food and drinks you get must keep you in good health.</p> <p>Your hospital should offer a good choice of food.</p> <p>Your food and drink choices linked to your religion or background must be followed – so long as they are reasonable. For example, it would be unreasonable to demand that your hospital gives you all of your favourite foods throughout the day! Halal, gluten-free, vegetarian and diabetic meals should be no problem at all.</p>

Immigration detention

- + The law says you should be given food and drinks that are good for your health.
- + You must be asked your views about the food in the centre, and get the chance to write down suggestions and comments.
- + Food must be well prepared and served.
- + There should be a mix of different food, which means you shouldn't have to eat the same meals over and over again. You must get enough food so you are not hungry.⁸
- + The centre must have a children's menu.
- + There must be a choice of at least two main courses for each day's main meal.
- + Vegetarian options must be offered every day.⁹
- + You have the right to three nutritious, varied and good quality meals every day. At least one meal a day must be hot.¹⁰
- + There must be no more than 5½ hours between your meals every day. The gap between your evening meal and breakfast the next day should never be longer than 14 hours.¹¹
- + Food and drinks must meet "religious, dietary, cultural and medical needs". This means special diets must be respected.¹²
- + There will be a person (called a monitor) at your centre who must regularly inspect food before and after it is cooked, to make sure it meets required standards.¹³ The monitor must tell the centre manager if there is anything wrong with the food and drinks.

Prison

If you are living in a **young offender institution**, the law says you must be given food and drinks that are good for your health.

- + Food must be well prepared and served.
- + There should be a mix of different food, which means you shouldn't have to eat the same meals over and over again.
- + You must get enough food so you are not hungry.¹⁴
- + The medical officer (usually a qualified doctor) of the young offender institution must inspect food before and after it is cooked. He or she must report any problems with the food or drinks to the governor.¹⁵

If you are in a **secure training centre**, the law says you must be given food and drinks that are good for your health.

- + You must get enough food to meet your needs.¹⁶

- ✦ The person who runs your centre must try his or her utmost to make sure you get three meals a day, served at regular intervals.
- ✦ One of these three meals a day must be hot (cooked).
- ✦ There should be a choice for each course at every meal. If you have any special dietary needs, these must be met.¹⁷
- ✦ The medical officer (usually a qualified doctor) of the secure training centre must inspect food before and after it is cooked. He or she must report any problems with the food or drinks to the person in charge.¹⁸

School

Boarding schools and residential schools must follow rules (called standards).

The standards say that children and young people who attend boarding schools must be “provided with meals which are adequate in nutrition, quantity, quality, choice and variety”. This same rule applies if you have a special diet, for religious or medical reasons for example.¹⁹ Excellent!

Your school should have a written agreement (a policy) which sets out how it will meet the needs of children and young people “with particular religious, dietary, language or cultural needs”.²⁰

Secure children’s home

You have the right to “personalised care” in your secure children’s home.²¹ This means you should be cared for in a way that is right for you.

You also have the right to a choice of nutritious food to help you live comfortably in your secure children’s home.²²

Your secure children’s home must write down your special diet if you have one²³, so that staff and carers can follow it.

Staff and carers should help you understand nutrition and healthy diets.²⁴ We’re all for that!

The law says you must never be punished in your home by being forced to eat or drink something, or having food and drink taken away from you.²⁵

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¹ Article 27 United Nations Convention on the Rights of the Child.

² Regulation 6(2)(b)(iv) The Children’s Homes (England) Regulations 2015.

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- ³ Regulation 6(2)(b)(vii) The Children’s Homes (England) Regulations 2015; Department for Education (April 2015) Guide to the children’s homes regulations including the quality standards, page 14.
- ⁴ Schedule 3 The Children’s Homes (England) Regulations 2015.
- ⁵ Department for Education (April 2015) Guide to the children’s homes regulations including the quality standards, page 35.
- ⁶ Regulation 19(2)(b) The Children’s Homes (England) Regulations 2015.
- ⁷ Regulation 14 The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.
- ⁸ Regulation 14 The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.
- ⁹ Home Office (2011) Detention services operating standards manual. Catering standard.
- ¹⁰ Home Office (2011) Detention services operating standards manual. Catering standard.
- ¹¹ Home Office (2011) Detention services operating standards manual. Catering standard.
- ¹² Rule 13 The Detention Centre Rules 2001.
- ¹³ Rule 13 The Detention Centre Rules 2001.
- ¹⁴ Rule 20 The Young Offender Institution Rules 2000.
- ¹⁵ Rule 20 The Young Offender Institution Rules 2000.
- ¹⁶ Rule 16 The Secure Training Centre Rules 1998.
- ¹⁷ Rule 16 The Secure Training Centre Rules 1998.
- ¹⁸ Rule 16 The Secure Training Centre Rules 1998.
- ¹⁹ Department for Education (2015) Boarding schools. National minimum standards, standard 8.
- ²⁰ Department for Education (2015) Boarding schools. National minimum standards, page 16.
- ²¹ Regulation 6(2)(b)(iv) The Children’s Homes (England) Regulations 2015.
- ²² Regulation 6(2)(b)(vii) The Children’s Homes (England) Regulations 2015; Department for Education (April 2015) Guide to the children’s homes regulations including the quality standards, page 14.
- ²³ Schedule 3 The Children’s Homes (England) Regulations 2015.
- ²⁴ Department for Education (April 2015) Guide to the children’s homes regulations including the quality standards, page 35.
- ²⁵ Regulation 19(2)(b) The Children’s Homes (England) Regulations 2015.