

## **Food Train's response to the Proposed Right To Food (Scotland) Bill**

1. Which of the following best expresses your view of the proposal to incorporate the right to food into Scots Law?

Fully supportive

Please explain the reasons for your response

The Covid-19 pandemic has emphasised why enshrining a right to food into Scots law is vital, for both government and its population. The Government has a duty to ensure everyone in Scotland has the “fundamental right to adequate food”<sup>1</sup>. In relation to older people, as shown by Food Train's 70% increase (compared to pre pandemic levels) in demand for its grocery delivery service across Scotland, at the height of the pandemic, there are physical access challenges to getting food, that have been emphasised by the pandemic.

A right to food also acknowledges the importance of the wider dimensions to food beyond physical and financial access. Michael Fakhri, UN Special Rapporteur on right to food said, “I think the right to food is the right for everyone to celebrate life through their meals, with each other in communion...food is a point of people's pride and pleasure”<sup>2</sup>. Former Special Rapporteur Jean Ziegler stressed right to food has three main elements: availability, adequacy, and accessibility.<sup>3</sup>

Prior to the pandemic, the prevalence of malnutrition amongst older people in Scotland was unacceptable, this is likely to have been exacerbated by changing circumstances, including the increased risk of social isolation for older people due to shielding and self-isolation measures. Social isolation is a social risk factor of malnutrition.<sup>4</sup> The latest data, from the British Association for Parenteral and Enteral Nutrition (BAPEN), estimates 1 in 10 people in the UK over the age of 65 are malnourished or at risk of suffering from preventable malnutrition,<sup>5</sup> based on the most up-to-date population data this equates to approximately 103,000 people in Scotland<sup>6</sup>. Eat Well Age Well's prevalence data suggests this figure is likely to be higher at approximately 18% of

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<sup>1</sup> <http://www.fao.org/policy-support/policy-themes/right-to-food/en/>

<sup>2</sup> <https://www.youtube.com/watch?v=iaBMwzGdzzc>

<sup>3</sup> <https://www.righttofood.org/work-of-jean-ziegler-at-the-un/what-is-the-right-to-food/>

<sup>4</sup> <https://www.herts.ac.uk/about-us/media-centre/news/2020/government-action-is-urgently-required-to-prevent-malnutritionamongst-older-adults-due-to-covid-19>

<sup>5</sup> Malnutrition Task force (2017). State of the Nation Report: Older people and malnutrition in the UK today. Online. Available from: [http://www.malnutritiontaskforce.org.uk/wp-content/uploads/2017/10/AW-5625-Age-UK-MTF\\_Report.pdf](http://www.malnutritiontaskforce.org.uk/wp-content/uploads/2017/10/AW-5625-Age-UK-MTF_Report.pdf)

<sup>6</sup> <https://www.nrscotland.gov.uk/files//statistics/rgar/2018/rgar18.pdf>

### **Eat Well Age Well**

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older people living at home in Scotland. Older people are particularly at risk of becoming malnourished, particularly those over the age of 65.<sup>7</sup> Malnutrition has a devastating impact on the physical health, mental wellbeing, and quality of life of older people.

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Research commissioned by Food Train (Eat Well Age Well), by the University of Glasgow, found “the physical need for food must be paired in the context of meaningful social interactions in order to reduce the risk of isolation and loneliness which creates a vicious cycle of undereating, poor self-care and low mood”<sup>8</sup> As demonstrated by the UN Special Rapporteur, the right to food approach recognises the importance of food as a social connector and as integral to wellbeing, prioritising a whole-systems approach. “Better and more coherent policies are achieved through inclusive and transparent processes”<sup>9</sup>. Integration of right to food into Scots law and adoption of a rights-based approach is vital to tackle issues across the food system in a holistic and joined up way, which is a useful tool for government and vital for its population.

2. Do you think legislation is required, or are there ways in which the Bill’s aims could be achieved more effectively? Please explain reasons for your response.

Embedding of the Right To Food into Scot’s Law would allow it to be directly enforced in court<sup>10</sup> and demonstrates a commitment to prioritising human rights to Scotland’s population. Legislation, rather than simply having a voluntary goal or aim, also provides accountability, to allow individuals to hold government to account and ensure the delivery of the right to food for all of Scotland’s population and across all food policy areas. If government and other public bodies simply said, ‘we will deliver on ‘right to food’’, this is not legally enforceable. “[Currently] There is no formal mechanism to ensure the right to food is taken into account systematically by the Scottish Government or Scottish Parliament” (Ibid). Food Train, along with other members of the Scottish Food Coalition were disappointed that the Right To Food is not included in the Good Food Nation (Scotland) Bill. As outlined by the First Minister’s Taskforce on Human Rights in their 2021 Leadership Report, “*Furthermore the Taskforce recognises that none of the recommendations stated here should hinder the*

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<sup>7</sup> <https://www.bapen.org.uk/malnutrition-undernutrition/introduction-to-malnutrition?start=1>

<sup>8</sup> <https://policyscotland.gla.ac.uk/covid-19-and-food-train-more-food-security-kindness-and-dedication-to-vulnerable-olderpeople-at-home/>

<sup>9</sup> <http://www.fao.org/policy-support/policy-themes/right-to-food/en/>

<sup>10</sup> [Right to Food | Scottish Human Rights Commission](#)

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*advancement of the protection of rights through other legislation or processes, whether before or after the new human rights statutory framework is introduced”<sup>11</sup>*

3. Which of the following best expresses your view on an independent statutory body being given responsibility for overseeing and reporting on progress towards realising the right to food?

Fully supportive

Please explain the reasons for your response

Scotland’s food system encompasses a range of individuals and organisations from production to consumption, each who are experts in different elements of this complex system. It is important individuals who have direct experience of challenges and

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opportunities within the food system are integral to the process and are at the heart of decision-making. This independent statutory body is also important in the delivery of a whole-systems approach. As outlined in response to Question 1, a right to food recognises the need to provide solutions that recognise the interconnections between challenges across the system. For instance, as demonstrated by research commissioned by Food Train (Eat Well Age Well), by the University of Glasgow, in relation to older people this includes connection between food security, (including physical food access and social eating) and public health issues, particularly malnutrition and social isolation<sup>12</sup>. An Independent organisation, separate from government, is also important to ensure accountability in the delivery of a Right to Food Approach, which is outlined by the Food and Agricultural Organisation (FAO) as a key element to its delivery,<sup>13</sup> Additionally, an independent body provides an opportunity to ensure right to food is delivered with parity across the country, to an agreed set of standards that delivery bodies can be held accountable to. Delivery bodies should be in the heart of communities to ensure the bill recognises differences across the country and at different scales. It is vital delivery bodies exist in communities and have standards that they can be held accountable to, to ensure parity across Scotland, so everyone knows where and how money and resources are spent and used.

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<sup>11</sup> [National Taskforce for Human Rights: leadership report - gov.scot \(www.gov.scot\)](http://www.gov.scot/resources/documents/2015/06/151515main.pdf)

<sup>12</sup> <https://www.eatwellagewell.org.uk/images/ExecutiveSummary.pdf>

<sup>13</sup> <http://www.fao.org/policy-support/policy-themes/right-to-food/en/>

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4. Should an independent body be given responsibility for overseeing and reporting on the right to food, do you think it should be:

A newly created body

Please explain the reasons for your response.

As outlined in response to question 3, Food Train believe an Independent Statutory Body is important for a range of reasons, including accountability, policy coherence and delivery of parity across the country, to an agreed set of standards, as well as the importance of civic participation. We believe for an Independent Body to be as effective as possible a new body must be created, to truly demonstrate the importance of food to Scottish Government's outcomes this should not be about retrofitting an existing organisation but seeing it as an investment to create a world-leading food system in Scotland. The importance of food as an investment was clearly articulated by Jayne Jones, in the oral evidence session on the Proposed Good Food Nation (Scotland) Bill, "*All too often we see food as a cost to be borne, or cost to be cut, we need to re frame, we need to think about it as an investment in those wider strategies...and aspirations*".<sup>14</sup>

Food Train support the Scottish Food Coalition's calls that a Food Commission could model the approach taken for the Scottish Land Commission<sup>15</sup>. A Food Commission would take responsibility for all food issues in Scotland (that are cross cutting and spread across different portfolios). As an organisation working in relation to public

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health, we recognise the importance of systematic, cross-sectoral work and the need for joined up policy making to improve not just health but also social, economic, and environmental outcomes. Food should be seen as the glue and having a body with the sole purpose of progressing food issues is a central step to prioritising and progressing this.

5. Which of the following best expresses your view of enshrining a right to food into Scots law as a priority in advance of, and in a manner which is compatible with, any further Scottish Government legislation on wider human rights?

Fully supportive

Please explain the reasons for your response

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<sup>14</sup> [Rural Affairs, Islands and Natural Environment Committee 5th Meeting, 2022 | Scottish Parliament Website](#) <sup>15</sup> [Home - Scottish Land Commission](#)

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As outlined in previous questions, Food Train are fully supportive of enshrining a right to food into Scots law as a priority. We recognise there are proposed future plans to embed the Right To Food into a broader human rights bill later this parliamentary term, and welcome the recognition of the importance of human rights by Scottish Government. However, as previously recognised in response to Question 2, any delay to enshrining of rights in law is a delay to protecting human rights. The First Minister's Taskforce on Human Rights in their 2021 Leadership Report, "*recognises that none of the recommendations stated here should hinder the advancement of the protection of rights through other legislation or processes, whether before or after the new human rights statutory framework is introduced*"<sup>15</sup>. We believe the introduction of the Right To Food should be done at the earliest opportunity, through the Good Food Nation Bill. As outlined in question 7, the Covid-19 pandemic has shone a spotlight on the food system and the challenges large sections of Scotland's population have faced, and to continue to face, affecting their right to food. As called for by the Health and Social Care Alliance there must be a rights-based approach to any proposed legislation, including plans for a National Care Service, embedding the Right To Food in law, would provide structure to ensure practical realisation of this human right within upcoming legislation.

6. Which of the following best describes your view of placing responsibility for guaranteeing the right to food on the Scottish Government?

Fully supportive

Please explain the reasons for your response

As demonstrated by the response of the third sector to the Covid-19 pandemic, there are underlying challenges within the food system in terms of food, including physical access. This includes Food Train's 70% increase in demand for its grocery delivery service at the height of the pandemic and the establishment of a new service - 'Food Train Connects'<sup>16</sup> to meet challenges older people face in accessing nutritious food

that meets their dietary needs and food preferences. But the third sector has also been vital to supporting individuals with wider support in relation to food. For example, Eat Well Age Well, Food Train's National malnutrition project, through its Small Ideas Big Impact Fund, supported community projects across Scotland to adapt, to ensure individuals still received social interaction and connection, whilst receiving nutritious

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<sup>15</sup> [National Taskforce for Human Rights: leadership report - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2021/04/National-Taskforce-for-Human-Rights-leadership-report.pdf)

<sup>16</sup> <https://www.foodtrainconnects.org.uk/Home/About>

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food, for instance through telephone befriending support or online Zoom cooking classes.<sup>17</sup>

It is governments responsibility to deliver the right to food for everyone in Scotland, as although a right to food is a human right, thus far and as emphasised over the past 2 years Scotland need to make policy and practical change to ensure this human right is reality for everyone in Scotland. Government must hold responsibility, whilst ensuring those with direct expertise of this are key to process, including third sector organisations whose role has been vital, especially over the course of the pandemic, in ensuring vulnerable members of society have availability, adequacy and accessibility of food. As outlined by the FAO Council in adoption of the right to food guidelines in November 2004, states have: an obligation to respect, protect and fulfill, in delivering a right to food for their population.<sup>18</sup>

7. What impact do you consider the effects of, and response to, the Covid-19 pandemic has had on the need for a right to food to be incorporated into Scots law?

Increased the need for the bill

Please explain the reasons for your response

The Covid-19 pandemic has increased the urgency needed for right to food to be enshrined in Scots law and the practical action enshrining this right would prioritise. As outlined previously, Food Train have seen a significant and ongoing increase in need for older people to access support, this includes grocery delivery support, but also wider wellbeing support, including befriending. Carruthers et al (2020)<sup>19</sup> outlined in their policy briefing, (a partnership between Food Train and the University of Glasgow) how Food Train responded to this in the early stages of the pandemic. However, the piece also recognises what should be prioritised “beyond Covid-19”.

- “urgently make these vital services available for all older people of Scotland – particularly for those who are already vulnerable, isolated and marginalised
- securely resource these services in terms of core funding and secure career pathways for staff
- recognise and harness the critical role of volunteers and look to ways to formalise this role to ensure we can react and expand quickly if we ever meet these acute challenges again

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<sup>17</sup> <https://www.eatwellagewell.org.uk/covid>

<sup>18</sup> <https://www.righttofood.org/work-of-jean-ziegler-at-the-un/what-is-the-right-to-food/>

<sup>19</sup> [COVID-19 and Food Train – more food security, kindness and dedication to vulnerable older people at home - Policy Scotland \(gla.ac.uk\)](https://www.gla.ac.uk/policy/COVID-19-and-Food-Train-more-food-security-kindness-and-dedication-to-vulnerable-older-people-at-home-Policy)

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- make the conversations about under-eating, unintentional weight loss as well as malnutrition visible as a public health discourse and challenge perceptions of weight loss and frailty as part of a normal process of ageing.” (Ibid)

Having a Right To Food enshrined in Scot’s law would support prioritising these recommendations and calls and learning from other organisations and ensure long term recovery from Covid-19 recognises the central importance of human rights.

8. Taking into account those likely to be affected (including public sector bodies, business, and individuals), is the Bill likely to lead to:

Some increase in costs

Please indicate where you would expect the impact identified to fall (including public sector bodies, businesses and individuals etc). You may also wish to suggest ways in which the Bill could be delivered more cost effectively.

The Proposed Bill brings additional work for Scottish Government, local authorities and Health and Social Care Partnerships (proposed Community Health and Social Care Boards). However, although in the short-term delivery of a right to food in Scotland will require financial investment by government, the public-sector and businesses, this must be considered a long-term sustainable investment. Significant years of underinvestment in our food system, have led to failings, which have been emphasised during the Covid-19 pandemic, for instance, the decline of meal-delivery services for older people to their own homes<sup>20</sup>, which could have provided a necessary lifeline prior to, during the pandemic and beyond. Government’s creation of the Emergency Food Fund<sup>21</sup> during the pandemic, demonstrates a degree of financial commitment to prioritising food, but delivery and enshrining of right to food in Scot’s law (especially as part of the Good Food Nation (Scotland) Bill) will ensure food is invested in in the longer term. As discussed throughout this response, the prevalence of malnutrition amongst older adults in Scotland is unacceptable, but investment in prevention rather than cure, can reduce this and in the long-term save money. Those who are malnourished are twice as likely to visit their GP, have 3 times the number of hospital admission and stay in hospital longer than well-nourished people<sup>22</sup>. Based on calculation by the British Association of Parenteral and Enteral Nutrition (2018), the

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<sup>20</sup> <https://thirdforcenews.org.uk/tfn-news/meals-on-wheels-withdraws-from-scotland>

<sup>21</sup> <https://www.gov.scot/news/helping-communities-affected-by-covid-19/>

<sup>22</sup> Guest JF, Panca M, Baeyens JP, et al. Health economic impact of managing patients following a community-based diagnosis of malnutrition in the UK. *Clin Nutr.* 2011;30(4):422-429. doi:10.1016/j.clnu.2011.02.002 <sup>24</sup>  
<https://www.bapen.org.uk/pdfs/reports/mag/managing-malnutrition.pdf>

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cost of malnutrition to the UK health service was £23.5 billion and older people contribute to 52 percent of this<sup>24</sup>. “The health and social care costs are estimated to be 3x greater for a malnourished patient (£7408) than a non-malnourished patient (£2155)”<sup>23</sup>. Therefore, as outlined above, if approximately 103,000 older people are at risk of or suffering from malnutrition in Scotland, their health and social care could be costing £763,024,000, instead of £221,965,000. Therefore, through investment in the

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food system, government have the opportunity to prioritise wellbeing and make significant long-term financial savings. As mentioned previously Jayne Jones’ statement to the Rural Affairs, Islands and Natural Environment Committee captures the shift we must see in the valuing of food, financial investment in food, should not be seen as a cost, but rather an opportunity, that has wider social, economic, wellbeing and environmental benefits. “*All too often we see food as a cost to be borne, or cost to be cut, we need to re frame, we need to think about it as an investment in those wider strategies...and aspirations*” (Jayne Jones, 2021<sup>26</sup>)

9. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation?

As a membership organisation with the primary aim of supporting older people to eat well, age well and live well, we believe enshrining the right to food into Scots law is a positive step in relation to equality. The aim of a right to food approach is to improve the food system, for all. The Covid-19 pandemic has emphasised existing challenges in the food system, for instance ensuring physical access to food for older people. This is demonstrated by Food Train’s 70% increase in demand (compared to pre pandemic levels) for its grocery delivery service, at the height of the pandemic. Additionally, as highlighted in the joint letter<sup>24</sup> to government ministers from experts in the field of older people and malnutrition, the pandemic has emphasised wider challenges, particularly in relation to the interconnection between food and wellbeing for older people and the issues of social isolation and malnutrition.

The proposed Bill provides an opportunity to recognise the key and diverse role food plays in the lives of older people. Commitment to a Human Rights based approach in relation to food will support Scotland in creating a food system that “ensur[es] people

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<sup>23</sup> <https://www.bapen.org.uk/pdfs/reports/mag/managing-malnutrition.pdf>

<sup>24</sup> <https://www.herts.ac.uk/about-us/media-centre/news/2020/government-action-is-urgently-required-to-prevent-malnutritionamongst-older-adults-due-to-covid-19>

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are healthy, happy and secure in older age”<sup>25</sup> and will therefore likely have a positive impact on equality.

However, Food Train would also recommend a Health Inequalities Impact Assessment<sup>26</sup> – HIIA is an integrated impact assessment which incorporates: Health Impact Assessment, Equality Impact Assessment (EqIA) and a Human Rights Impact Assessment as this bill develops. A HIIA goes further than the statutory duty for an EqIA as part of the Equality Act. This will ensure that the impact on people particularly vulnerable people, including older people is fully considered in the decision making at early stages, by systematically assessing the health impacts of decisions, including impact on health inequalities, people with protected characteristics, human rights, and

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<sup>26</sup> [Rural Affairs, Islands and Natural Environment Committee 5th Meeting, 2022 | Scottish Parliament Website](#)  
socioeconomic circumstances. Scottish Government needs to show leadership in advocating for health and this is particularly important given the current health crisis.

10. In terms of assessing the proposed Bill’s potential impact on sustainable development, you may wish to consider how it relates to the following principles:

- Living within environmental limits
- Ensuring a strong, healthy and just society
- Achieving a sustainable economy
- Promoting effective, participative systems of governance
- Ensuring policy is developed on the basis of strong scientific evidence

With these principles in mind, do you consider that the Bill can be delivered sustainably?

Yes

Please explain the reasons for your response

Food Train believes the proposed Bill can be delivered sustainably - as outlined above. The Bill’s work focuses on progressing agreed Scottish Government outcomes across the food system, including population health, public health, and environment, as well as internationally supporting the Sustainable Development Goals. Additionally, we believe Right To Food must be recognised as part of a wider food policy commitment.

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<sup>25</sup> <https://www.gov.scot/publications/fairer-scotland-older-people-framework-action/>

<sup>26</sup> [What is an HIIA - Health Inequalities Impact Assessment \(HIIA\) - Tools and resources - Public Health Scotland](#)

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We therefore believe the Right To Food is best placed to fit within the Good Food Nation (Scotland) Bill, as this will allow a systematic, cross sectoral approach to food policy work in Scotland - at local and national scales and support sustainable development. As recognised previously, seeing this as a sustainable investment - in health, environment etc should be the priority of government. We believe having an Independent Body as part of this bill is important as this ensures civic participation and ensures policy is based on strong scientific evidence.

11. Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?

N/A

## About Food Train

The Food Train<sup>27</sup> works across Scotland, providing a necessary lifeline and valuable practical support to older people. Food Train was developed by older people for older people. Each week Food Train branches make hundreds of grocery shopping deliveries for older people, “providing vital services [and access to fresh food] for those who are no longer able to manage independently, through age, ill health, frailty or disability. Teams of local volunteers help with household jobs, delivering books from their library service and providing friendly social contact and meals through befriending services,” (Ibid). The Food Train also has National reach through their national neighbourhood meal-sharing service, Meal-Makers<sup>28</sup> and the ‘Eat Well, Age Well’<sup>29</sup> project which works to tackle malnutrition in older people living at home operating throughout Scotland and ‘Food Train Connects’<sup>30</sup>, which was launched in 2020, and provides one to one shopping and phone calls for older adults across Scotland. The

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<sup>27</sup> [Home - The Food Train](#)

<sup>28</sup> [Home - Meal Makers](#)

<sup>29</sup> [Eat Well Age Well](#)

<sup>30</sup> [Home - Food Train Connects](#)

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Food Train works to proactively assist older people at their time and point of need, helping those wishing to live independently at home, with a particular focus on supporting older people to eat well, age well and live well. Food Train has been in existence since 1995 and through the years has gained valuable expertise on social care, particularly in supporting older people in Scotland. As an organisation Food Train focuses on a preventative approach to public health, showing how food support can positively influence older people lives, with regards malnutrition risk, social isolation risk and also feelings of belonging and self-worth- see Reid et al, 2020<sup>31</sup>.

Food Train, February 2022

For any queries in relation to this submission please contact:

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<sup>31</sup> <https://osf.io/preprints/socarxiv/6fwm8/>

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